



AGENDA
November 23, 2021
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATIONS

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes in 2021
2. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
3. Resolution authorizing the Chief Financial Officer to refund dumpster security payment
4. Resolution authorizing the Town to move to a self-insurance plan
5. Resolution to approve insertion of special item of revenue in the municipal budget (Body-Worn Cameras)
6. Resolution to approve budget transfer

Public Safety, Transportation and Parking Committee

1. Resolution to award contract for the purchase of Body Worn Cameras for the Police Department

Code Review & Town Property Committee

Public Works Committee

ORDINANCES

GENERAL BUSINESS

GENERAL ORDINANCE NO. 2230

AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2154 ENTITLED "AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 2, "ADMINISTRATION", ARTICLE II, TOWN OFFICERS AND EMPLOYEES, DIVISION 3, PERSONNEL POSITIONS AND SALARY SCHEDULE, "SEC.2-12.28, "SCHEDULE".

GENERAL ORDINANCE NO. 2231

AN ORDINANCE ADOPTING THE PROSPECT & FERRIS REDEVELOPMENT PLAN

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION



TOWN OF WESTFIELD TOWN COUNCIL REGULAR MEETING

**Tuesday, November 23, 2021
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations
Westfield Memorial Library Director – Allen McGinley
6. Advertised Hearings
 1. GENERAL ORDINANCE NO. 2229
AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO
SUPPLEMENT ELECTRIC VEHICLE INFRASTRUCTURE REGULATIONS
 2. SPECIAL ORDINANCE NO. 2224
A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS
2011 BOYNTON AVENUE IN THE TOWN OF WESTFIELD
7. Approval of Minutes from Town Council Conference Session held November 9, 2021
Approval of Minutes from Town Council Regular Meeting held November 9, 2021
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$240,989.76
11. Reports of Standing Committees
 - Finance Policy Committee
 1. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes in 2021
 2. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
 3. Resolution authorizing the Chief Financial Officer to refund dumpster security payment

4. Resolution authorizing the Town to move to a self-insurance plan
5. Resolution to approve insertion of special item of revenue in the municipal budget (Body-Worn Cameras)
6. Resolution to approve budget transfer
7. GENERAL ORDINANCE NO. 2230
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Public Safety, Transportation and Parking Committee

1. Resolution to award contract for the purchase of Body Worn Cameras for the Police Department

Code Review & Town Property Committee

1. GENERAL ORDINANCE NO. 2231
AN ORDINANCE ADOPTING THE PROSPECT & FERRIS REDEVELOPMENT PLAN

Public Works Committee

12. Reports of Department Heads

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2229

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO
SUPPLEMENT ELECTRIC VEHICLE INFRASTRUCTURE REGULATIONS**

WHEREAS, the Mayor and Town Council have strived to provide leadership and guidance on emerging topics important to the people of the Town of Westfield (the “Town”); and

WHEREAS, the Mayor and Town Council recognize the importance of supporting the use of alternative fuel vehicles in the interest of improving air quality and reducing noise, as well as to slow the effects of climate change; and

WHEREAS, the Mayor and Town Council anticipates a growing trend in the use of electric vehicles and the need for supporting electric vehicle supply/service equipment (“EVSE”); and

WHEREAS, the Mayor and Town Council have previously created an EVSE framework that has improved the quality of life in the Town, attracted businesses to the Town, and encouraged the purchase of electric vehicles; and

WHEREAS, continuing to support the transition to electric vehicles contributes to the Town’s commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Town encourages increased installation of EVSE and Make-Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey’s goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to New Jersey’s 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37, et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements.

NOW, THEREFORE, BE IT ORDAINED:

SECTION I. Article 24, “Electric Vehicle Infrastructure Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

ARTICLE 24

ELECTRIC VEHICLE INFRASTRUCTURE CODE

Sec. 24.01. Establishment and Purpose

- A.** This Article shall be known hereinafter as, “the Electric Vehicle Infrastructure Code.”
- B.** The Electric Vehicle Infrastructure Code is designed to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

Sec. 24.02. Alterations or Repairs

Alterations or repairs, other than increasing the height or area of a new structure, may be made to any structure to comply with this Article, provided that such alterations or repairs also comply with all other provisions to the Land Use Ordinance, the Exterior Property Maintenance Code, and all applicable building and construction codes.

Sec. 24.03. Word Usage Generally

- A. *Interchangeability.*** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. *Terms defined in other codes.*** Where terms are not defined in this article and are defined in the Uniform Construction Code, they shall have the same meanings ascribed to them as in the Uniform Construction Code.
- C. *Terms not defined.*** Undefined terms shall have their ordinarily accepted meanings.
- D. *The word “shall”*** is always mandatory and not merely directory.

Sec. 24-04. Terms Defined

As used in this Article, the following terms shall have the meanings indicated:

- A. AC:** alternating current (electricity).
- B. *Battery:*** (pl. batteries) a cell or cells onboard an electric vehicle which is used for storing and furnishing electrical energy for the purpose of propelling the vehicle.
- C. *Battery Electric Vehicle (“BEV”):*** an electric vehicle with an onboard battery that operates exclusively from electrical energy from the battery, which battery is charged from an electrical power source (charging station) not onboard the vehicle.
- D. *Certificate of Occupancy:*** The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act, and the regulations. See “State Uniform Construction Code Act,” P.L.1975, c.217 (C.52:27D-119, et seq.) and regulations adopted pursuant thereto.
- E. *Charging Level:*** the standardized indicators of electrical force, or voltage at which an electric vehicle’s battery is recharged. Typical electric vehicle charging levels and specifications are:
 - 1. Level 1 – Slow battery charging (AC).** Level 1 operates on a 15-20-amp breaker on a 120-volt AC circuit.
 - 2. Level 2 – Medium battery charging (AC).** Level 2 operates on a 40-100-amp breaker on a 208 or 240-volt AC circuit.
 - 3. Level 3 – Fast battery charging (DC).** Level 3 operates on a 60-amp or higher breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 stations can also be referred to as DCFC or as rapid-charging stations that are typically characterized by industrial-grade electrical outlets that allow for faster recharging of electric vehicles .
- F. *Charging Station:*** equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located onboard an electric vehicle. Various types of charging stations include:

1. *Accessible EVSE*: a charging station incorporated into or immediately adjacent to a handicapped parking space as “handicapped parking space” is defined by Sec. 13-21.3(a) of the Town Code.
 2. *Level 3 EVSE*: (sometimes referred to as a DC Fast charging station) a charging station that provides any single-phase voltage or current rating higher than that of Level 2, or any three-phase supply voltage configuration.
 3. *Private EVSE*: a charging station that is: (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, etc.); or (2) publicly owned and restricted access (e.g., fleet parking with no access to the general public).
 4. *Public EVSE*: a charging station that is: (1) publicly owned and publicly available (e.g., park & ride, public parking lots, on-street parking, etc.); or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).
- G. *Charging Station Space***: a dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles.
- H. *DC***: direct current (electricity).
- I. *Electric Scooters and/or Motorcycles***: a 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle’s batteries.
- J. *Electric Vehicle***: a vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle’s battery for propulsion purposes. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) electric scooters or motorcycles. Electric vehicles are licensed and registered for operation on public and private highways, roads, and streets.
- K. *Electric Vehicle Supply/Service Equipment (“EVSE”)***: the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. “EVSE” may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”
- L. *Make-Ready Parking Space***: the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make-Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1, et al.).
- M. *Neighborhood Electric Vehicle***: an electric vehicle with four (4) wheels that conforms to federal regulations under C.F.R. § 571.500, which can attain a speed of 20 miles per hour

(mph) from a stand-still within one (1) mile but cannot exceed a speed of more than 25 mph.

- N. *Non-Electric Vehicle*: a vehicle that does not meet the definition of “electric vehicle” as provided herein.
- O. *Plug-In Hybrid Electric Vehicle (“PHEV”)*: an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor, and; (2) charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; (3) may additionally be able to sustain a battery charge using an on-board internal combustion-driven generator; and (4) has the ability to be propelled through the use of electricity.
- P. *Motor Vehicle*: has the same meaning as provided in Section 39:1-1, *et seq.* of the Revised Statutes of the State of New Jersey.

Sec. 24.05. Approvals and Permits

- A. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to N.J.S.A. 40:55D-70.
- B. EVSE and Make-Ready Parking Spaces installed pursuant to Section 24.06 below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
- C. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- D. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Town of Westfield’s land use regulations.
- E. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to N.J.S.A. 40:55D-1 *et seq.* or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - 1. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - 2. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - 3. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the “State Uniform Construction Code Act,” P.L.1975, c.217 (N.J.S.A. 52:27D-119 *et seq.*), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- F. An application pursuant to Section E. above shall be deemed complete if:
 - 1. the application, including the permit fee and all necessary documentation, is determined to be complete,

2. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 3. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- G.** EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- H.** A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

Sec. 24.06. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

- A.** As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
1. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 2. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 3. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
- B.** Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- C.** Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- D.** As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
1. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 2. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 3. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 4. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities if there will be 101 to 150 off-street parking spaces.

5. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
6. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
7. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
8. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

Sec. 24.07 Minimum Parking Requirements

- A. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to applicable Town or State regulations.
- B. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- C. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- D. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section 24.06A. above may be encouraged but shall not be required in development projects.

Sec. 24.08 Charging Station Requirements and Design Criteria

A. General Requirements

1. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
2. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
3. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
4. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements

in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

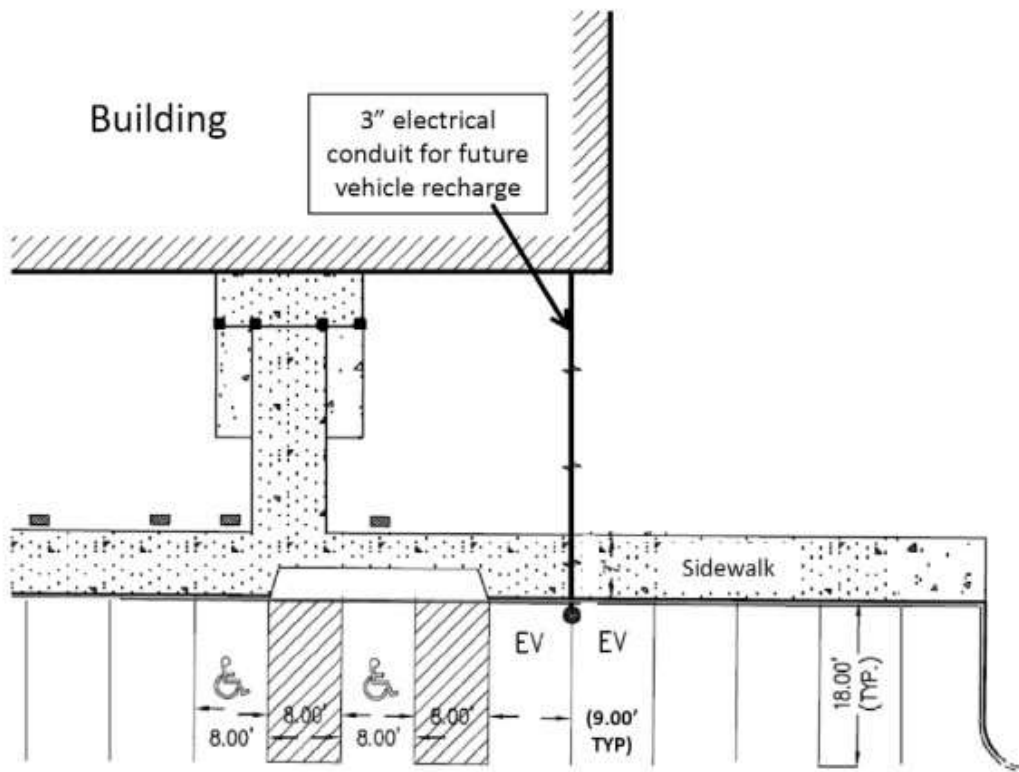
5. With respect to all properties within the Town to which the requirements of this Article do not apply, in order to proactively plan for and accommodate the anticipated growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new construction on such properties be constructed to provide a 220-240-volt/40-amp outlet on a dedicated circuit in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level 2 charging station.
- B. Charging Station Space Location and Design Criteria for Multi-Family Residential and Non-Residential Development.**
1. Where provided, spaces for charging station purposes are required to include the following:
 - i. *Signage.* Each EVSE space shall be posted with signage as described further herein in Sec. 24-08.
 - ii. *Maintenance.* Charging station equipment shall be maintained in all respects. Contact information, such as a phone number, shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning correctly, or other equipment problems are encountered.
 - iii. *Accessibility.* Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the New Jersey Accessibility Code, N.J.A.C. 5:23-7.2, *et seq.*, or other applicable accessibility standards.
 - iv. *Lighting.* Where charging station equipment is installed, adequate site lighting shall be provided in accordance with the Town Code.
 - v. *Charging Station Equipment.* All required charging stations shall be Level 2 or Level 3, which may be determined at the property owner's discretion. Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a retraction device and/or a place to hang permanent cords and connectors a safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - vi. *Charging Station Equipment Protection.* Adequate charging station equipment protection, such as concrete-filled steel bollards, shall be used. Non-mountable curbing may be used in lieu of bollards, if the charging station is setback at least 24 inches from the face of the curb.
 - vii. *Data Collection.* To allow for maintenance and notification, the Town shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information.

viii. *Usage Fees.* An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable State and Federal regulations. Fees shall be prominently displayed on the charging station.

2. Those providing charging station spaces should consider the following:

- i. *Notification.* Information on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information.
- ii. *Signage.* Installation of directional signs at appropriate decision points to effectively guide motorists to the charging station space(s) as described further herein.
- iii. *Location (Specific to On-Street Parking).* Placement of a single charging station is preferred at the beginning or end stall on a block face.

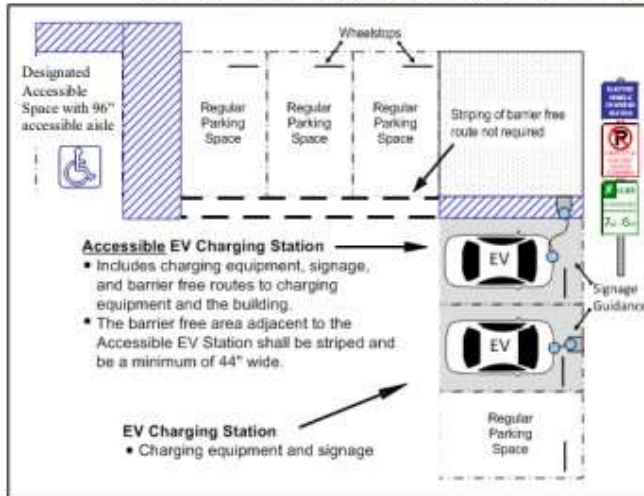
Sec. Sec. 24.07. Charging Station Location(s)



Example Site Plan – “Rough-In” of Electric Vehicle Charging Stations

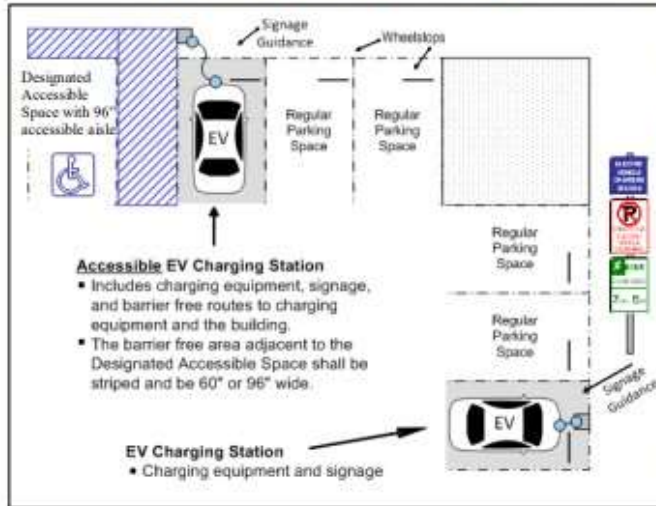
Accessible Charging Stations. It is strongly encouraged, but not required, that a minimum of one (1) accessible charging station be provided. Accessible charging stations should be in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel to and from the building or facility. It is not necessary to designate the accessible charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations:

OFF-STREET ACCESSIBLE CHARGING STATION EXAMPLE - OPTION 1



Puget Sound area parking garage.
Photo by ECOTality North America.

OFF-STREET ACCESSIBLE CHARGING STATION EXAMPLE - OPTION 2



Fashion Island Shopping Mall, Newport Beach, CA.
Photo by LightMoves.

Comment: The illustrations and photos above show two options for providing accessible charging stations. Option 1 is a likely scenario for installation in existing parking lots. By using an existing wider end parking stall or restriping, an accessible charging station may be more cost effectively installed. Where feasible, a wider clear area around the equipment (60") is preferable. Additionally, this location away from the near building prime parking has a better likelihood of being available for disabled persons, since the accessible charging station is not exclusively reserved for disabled persons. Option 2 provides a location that has a shorter travel distance for disabled persons and can be easily installed in a new parking lot. This option may allow the installer to provide a wider, more fully compliant aisle.

While other options, depending on the specific layout of the new or reconfigured parking area, are likely, at a minimum, an accessible charging station must be located within accessible reach of the barrier-free access aisle (minimum 44-inch width) and the electric vehicle and connect to a barrier-free route of travel. However, because the charging station facility is not a parking facility, the accessible charging station does not need to be located immediately adjacent to the building entrances or reserved exclusively for the use of disabled persons.

Sec. 24-08. Signage

- A.** Electric vehicle charging stations, other than in residential use, shall have posted signage, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
- B.** Each charging station space shall be posted with signage indicating the charging station space is only for use by electric vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- C.** All signage shall include: (1) information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information; (2) as appropriate, directional signs to effectively guide motorists to the charging station space(s); and (3) any additional optional signage may be posted to alert potential charging station users as to other expectations.
- D.** All such signage shall additionally be compliant with the Manual Uniform Traffic Control Devices (“MUTCD”) as published by the Federal Highway Administration (“FHWA”) and shall be made at the recommended sizes described therein.

Sec. 24-09. Electric Vehicle Charging Station Regulations

- A.** Charging stations, where provided for public use, are reserved for parking and charging electric vehicles only, except as otherwise provided by this Article.
- B.** Electric vehicles may park in any parking space otherwise designated for parking, subject to the restrictions that would apply to any other vehicle generally.

Sec. 24-10. Prohibitions

When a sign authorized under Sec. 24-08 provides notice of a designated charging station space, no person shall park or stand a non-electric vehicle therein. Any non-electric vehicle parked or standing in a charging station space is subject to fine and/or impoundment of the offending vehicle as described in Section 24-13.

Sec. 24-11. Notice of Electric Vehicle Charging Station

Upon adoption of an ordinance by the Town establishing a charging station(s) in on-street or municipally-owned Town parking lots, the Town Engineer shall cause appropriate signs and markings to be placed in and around the designated charging station space(s), indicating prominently thereon the parking regulations therefor. The signs shall define time limits and hours of operation, as applicable, and shall state that the parking space is reserved for the charging of electric vehicles only. Charging station space regulation violators are subject to fine and/or impoundment of the offending vehicle.

Sec. 24-12. Applicability of Construction and Land Use Regulations

Nothing in this Section shall be interpreted as a waiver, replacement, or substitute for any installation that requires a Construction Code or Land Use Approval under applicable provisions of any statute, ordinance, rule or regulation. Installation of charging stations to an existing parking space is exempt from any such site plan review.

Sec. 24-13. Violations and Penalties

- A.** The Police Department, through its officers, shall enforce this Article and shall make a record of any parking violation in public areas, including the state license or registration number of the vehicle, the date concerning the violation, and any other pertinent details.

The police officer observing the violation shall attach to the vehicle or property a summons directing the owner or operator of the vehicle or property owner to appear before the Town of Westfield Municipal Court on a regular court night, or report to the violation clerk and pay the prescribed fine in accordance section 13-8(b) of the Town Code. All sums so paid shall be transmitted to the Town Treasurer. Any person receiving a summons for violating any of the provisions of this article may, in any event, be liable to any of the penalties imposed by this article upon conviction of such violation in the Municipal Court.

- B.** The Zoning Officer shall enforce all signage and installation requirements described in this Article pursuant to the provisions of Article 21 to this Chapter.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

SPECIAL ORDINANCE NO. 2224

**A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY
KNOWN AS 2011 BOYNTON AVENUE IN THE TOWN OF WESTFIELD**

WHEREAS, the Town of Westfield is the owner of certain vacant, undeveloped real property formally known as Block 5707, Lot 17, also known as 2011 Boynton Avenue, Westfield; and

WHEREAS, the total real property consists of approximately 5,877.75 square feet, or 0.135 acres. The dimensions of the property are 41.09' wide on the south, 37.28' wide on the north, 150' deep on the west, and 150.06' deep on the east. A legal description is attached hereto for reference; and

WHEREAS, Keith Disko and Joanna Glinska, husband and wife, the owners of real property that is contiguous to this Town-owned real property, have petitioned the Town seeking to purchase the adjacent Town-owned property, in order to combine it with their property, for a total resulting property of approximately 10,877.75 square feet, or 0.2498 acres, and they have offered \$90,000.00 to purchase the Town-owned real property; and

WHEREAS, the Tax Assessor of the Town of Westfield has determined that \$90,000 is a reasonable value for this undersized property of non-buildable land; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally owned land to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) also provides that when there is more than one owner with property contiguous to the property to be sold, that property shall be sold to the highest bidder from among all such bidders; and

WHEREAS, the lot was offered to all contiguous property owners, and Keith Disko and Joanna Glinska made the highest offer.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westfield as follows:

1. That the Town Council does hereby approve a sale of the real property designated as Block 5707, Lot 17 on the Westfield Tax Map, and known as 2011 Boynton Avenue to Keith Disko and Joanna Glinska, husband and wife, the owners of real property contiguous to the subject, municipally-owned real property, for \$90,000. The parties entered into a contract of sale on August 9, 2021.

2. The Mayor and Clerk of the Town of Westfield are hereby authorized to execute and deliver a deed transferring said real property to Keith Disko and Joanna Glinska, husband and wife, who were the highest-bidding contiguous property owners, in exchange for a payment of \$90,000, which has been determined to be a reasonable value for the property.

3. The Town Attorney is hereby authorized and directed to prepare such deed, the requisite contract, and such other, necessary documents, and to obtain such necessary signatures, in order to transfer title to Keith Disko and Joanna Glinska, H/W, in exchange for consideration of \$90,000.

4. The deed shall provide that the property so transferred shall be merged into, and become a part of, the property already owned by the purchasers, and shall not be developed separately. The deed shall also contain a prohibition against any subdivision of the lot so created by the merger into lots other than conforming single-family lots.

5. If any section, part, or provision of this ordinance shall be declared to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance, or any part hereof, other than the part so held to be unenforceable or invalid.

6. This ordinance shall take effect immediately following publication and, in the manner, provided by law.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2021:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
2004/11 BRETL, David	1381 East Broad Street	3 rd /2021 \$3,041.16
3308/9 JOSEPH, Jayesh	525 Hillcrest Avenue	4 th /2021 \$437.83
5101/3 MAKHINSON, Mark	412 Sandford Avenue	4 th /2021 \$850.77

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Zachary Becker 47 Mohican Dr Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Safe Sitter/Baby Sitting Course Brooke Becker / Nov 14, 2021	\$115.00
Sweety Datwani 150 Hamilton Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Pickleball/Adult/Beginner Anil Datwani – Session 2 / Fall	\$70.00
Nadine Mandel 25 North Wickom Drive Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Safe Sitter/Baby Sitting Course Ava Mandel / Nov 14, 2021	\$115.00
Jeffrey Cohen 5 Azalea Trail Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Pickleball Youth #2 & Disc Golf/Fall 2021 Samuel Cohen/Pickleball #2 (1/2) \$57.50 Samuel Cohen/Disc Golf (1/2) \$62.50	\$120.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Triple A. Contractors
177 North Madison Drive
South Plainfield, NJ 07080

Amount of refund: \$975.00

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

WHEREAS, the Town of Westfield hereby resolves effective January 1, 2022, to self-insure its group medical, rx drug, and dental benefits programs, and

WHEREAS, the Town will terminate the its fully insured Horizon group medical, rx drug, and dental insurance programs effective December 31, 2021; and

WHEREAS, the Town will enter into administrative services contracts with Horizon for medical & rx drug benefits and for dental benefits as per the proposals submitted effective January 1, 2022; and

WHEREAS, the Town will purchase a stop-loss insurance policy from Zurich American Insurance Company, as per the proposals submitted effective January 1, 2022; and

WHEREAS, the Town designates its current broker and risk manager Brown & Brown Insurance, Inc. as broker of record for these programs, with the following authority:

- a) To ensure with Horizon that the benefits and provider network offered are equivalent to the Town of Westfield's current Horizon fully insured group insurance plans
- b) To monitor and to report to the Town Administrator and Chief Financial Officer the self-insured claim payments and utilization metrics as required by health insurance industry "best practices"
- c) To assist employees and dependents in the resolution of any elevated service issues that cannot be resolved by employees first contacting Horizon directly
- d) To ensure all reporting provided to the Town of Westfield or its administrators is compliant with HIPAA relative to protected health information (PHI)
- e) To advise the Town of Westfield relative to compliance with Federal and State regulations regarding self-insured group benefit plans

BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of these contracts.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.
XXX-2021

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2021 in the sum of \$124,318.00, which is now available from the New Jersey Department of Law & Public Safety, Office of the Attorney General; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Body Worn Camera Program	\$124,318.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XXX-2021

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2021 budget accounts, where (S&W) refers to the Salary & Wages line item while (O/E) refers to the Other Expenses line items:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
Administrative & Executive		
1-01-100-214 (O/E)		5,000
Assessment of Taxes		
1-01-110-101 (S&W)	7,000	
Finance		
1-01-115-214 (O/E)		2,500
Legal Services		
1-01-120-212 (O/E)		25,000
Fire Hydrant Service		
1-01-123-211 (O/E)	5,000	
Fire Safety Official		
1-01-127-101 (S&W)		7,000
School Crossing Guards		
1-01-132-111 (O/E)	2,500	
Engineering		
1-01-135-101 (S&W)		5,000
Board of Health		
1-01-150-101 (S&W)	10,000	
1-01-150-201 (O/E)	4,000	
1-01-150-251 (O/E)	6,000	
Inspection of Buildings		
1-01-165-101 (S&W)	15,000	

Gasoline		
1-01-171-211 (O/E)		10,000
Municipal Court		
1-01-175-101 (S&W)	10,000	
Group Insurance		
1-01-183-221 (O/E)		15,000
Planning Board		
1-01-190-216 (O/E)	10,000	
	<hr/>	<hr/>
	<u>\$69,500</u>	<u>\$69,500</u>

POOL UTILITY

Pool Operating		
1-03-195-101 (S&W)		3,000
1-03-195-202 (O/E)	4,000	
1-03-195-217 (O/E)	1,000	
1-03-195-243 (O/E)	1,000	
Social Security		
1-03-250-211 (O/E)		3,000
	<hr/>	<hr/>
	<u>\$6,000</u>	<u>\$6,000</u>

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2230
AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2154 ENTITLED
C. “AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD
CHAPTER 2, “ADMINISTRATION,” ARTICLE II, TOWN OFFICERS AND EMPLOYEES,
DIVISION 3, PERSONNEL POSITIONS AND SALARY SCHEDULE,” SEC. 2-12.28,
“SCHEDULE.”**

BE IT ORDAINED by the Town Council of Westfield in the County of Union as follows:

SECTION I.

That the Code of the Town of Westfield be and is hereby amended by revising Section 2-12.28, “Schedule,” in Chapter 2, “Administration” Article II, “Town Officers and Employees,” Division 3, “Personnel Positions and Salary Schedule,” so that the same shall read as follows:

<u>JOB TITLE</u>	<u>SALARY RANGE</u>
Municipal Defender	\$13,938 - \$16,974
Municipal Prosecutor	\$29,957 - \$35,665
Library Assistant I	\$33,217 - \$39,984
Custodian	\$39,959 - \$44,576
Senior Custodian	\$40,530 - \$50,142
Library Assistant II	\$41,345 - \$48,022
Office Manager	\$48,653 - \$57,840
Assistant Zoning Officer	\$48,947 - \$61,732
Staff Tax Assessor	\$52,987 - \$62,187
Municipal Magistrate	\$53,274 - \$64,420
Aquatics Supervisor	\$56,922 - \$68,307
Deputy Town Clerk	\$56,970 - \$68,761
Library Senior IT Specialist	\$58,432 - \$72,009
Administrative Secretary	\$60,576 - \$73,544
Engineering Inspector/Field Engineer	\$65,123 - \$76,480
Librarian	\$66,961 - \$91,124
Executive Assistant	\$67,053 - \$79,214
Payroll Benefits Manager	\$68,394 - \$85,197
Assistant Library Director	\$68,750 - \$79,412
Assistant Director of Recreation	\$69,274 - \$80,216
Parking Services Director	\$69,294 - \$84,031
Municipal Court Administrator	\$72,345 - \$85,924
Electrical Subcode Inspector	\$73,219 - \$89,719
Zoning Officer	\$73,521 - \$89,153
Tax Collector	\$74,522 - \$89,080
Supervisor Public Works	\$78,615 - \$91,566
Assistant Director of Public Works	\$83,514 - \$96,041
Tax Assessor	\$83,998 - \$101,149
Town Surveyor	\$85,721 - \$104,972
Recreation Director	\$90,949 - \$107,775
Town Clerk	\$91,749 - \$112,687
Library Director	\$96,722 - \$124,272
Town Planner	\$101,657 - \$122,063
Construction Official	\$104,674 - \$131,492
Director of Public Works	\$104,746 - \$123,562
Deputy Fire Chief	\$131,004 - \$147,782
Town Engineer	\$132,193 - \$153,601
Chief Financial Officer	\$133,935 - \$165,966
Fire Chief	\$143,441 - \$163,477

Police Chief	\$148,578 - \$168,608
Town Administrator	\$168,830 - \$201,782

SECTION II.

The Personnel and Position Salary Schedule set forth in Sec. 2-12.28 as hereby amended shall take place as of January 1, 2022.

SECTION III.

Any or all ordinances or parts thereof in conflict, or inconsistent, with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION IV.

In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holdings shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unconstitutional or invalid.

SECTION V.

This ordinance shall take effect after passage and publication as soon as, and in the manner provided by law.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO

FINANCE POLICY COMMITTEE

NOVEMBER 23, 2021

WHEREAS, in 2019, the Westfield Police Department purchased body worn cameras (BWCs) for use by each uniformed police officer who engages in patrol activities, this to comply with the everchanging needs and best practices of law enforcement; and

WHEREAS, in 2021, pursuant to an act of the state legislature, body worn cameras (BWCs) shall now be mandated for use by every uniformed police officer in the State of New Jersey who engages in patrol activities; and

WHEREAS, Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038 was awarded State Contract T0106, under the Department of Purchase and Property's NJStart eProcurement Solution, purchase order 17-FLEET-00738, Category 14 for Police Body Camera Solution and 14A for installation, consulting services, hardware/software configuration, training, and hourly repair services rates; and

WHEREAS, at a meeting of the Town Council of the Town of Westfield on June 18, 2019, the Town of Westfield entered into a Purchasing Agreement with Axon Enterprise for the purchase of a mobile video recording (MVR) system for each Westfield Police Department police vehicle primarily used for traffic stops and body worn cameras (BWCs) for use by each Westfield Police Department uniformed police officer who engages in patrol activities, this under State Contract T0106; and

WHEREAS, pursuant to the Town of Westfield's Purchasing Agreement with Axon Enterprise, the total costs of said purchases were to be paid over a five (5) year period; and

WHEREAS, in 2021, during Year 3 of said original 5-year Purchasing Agreement with Axon Enterprise, the Westfield Police Department is seeking to revise said Purchasing Agreement to one which shall allow it to: 1) upgrade the mobile video recording (MVR) system presently in each police vehicle primarily used for traffic stops to one with automatic license plate reader (ALPR) capability; and 2) expand body worn camera (BWC) use to include each detective and plainclothes officer, both through the approval of a new 5-year Purchasing agreement with Axon Enterprise, the total costs of said purchases which shall be extended over a new 5-year time period; and

WHEREAS, the total cost of the new 5-year Purchasing Agreement with Axon Enterprise shall be \$658,216.88, of which \$101,067.38 shall be payable in Year 1 of same; and

WHEREAS, the Westfield Police Department has been awarded \$124,318.00 in grant monies from the Attorney General of the State of New Jersey, this specifically for the purchase of body worn cameras (BWCs) and which may be applied to the costs of the new 5-year Purchasing Agreement with Axon Enterprise; and

WHEREAS, the Westfield Police Department has received authorization for additional

funding from the Union County Prosecutor to apply \$48,316.59 of its Municipal Law Enforcement Trust Fund monies (commonly referred to as “asset forfeiture funds”) towards the costs of the new 5-year Purchasing Agreement with Axon Enterprise; and

WHEREAS, the new mobile video recording (MVR) system with automatic license plate reader (ALPR) capability and additional new body worn cameras (BWCs) proposed for purchase in the new 5-year Purchasing Agreement with Axon Enterprise and its servicing of same shall be sufficient to meet the needs of the Westfield Police Department and requirements of the State of New Jersey, this as determined by the Chief of Police; and

WHEREAS, the Town Council of the Town of Westfield recognizes the value of the new mobile video recording (MVR) system with automatic license plate reader (ALPR) capability and additional new body worn cameras (BWCs) proposed for purchase in the new 5-year Purchasing Agreement with Axon Enterprise and the impact they shall have on the Westfield Police Department’s ability to carry out its prescribed duties and responsibilities in a lawful, efficient and effective manner; and

WHEREAS, the Town Council of the Town of Westfield, acting in the greatest interest of the safety and security of the community it serves, does hereby authorize the Town of Westfield to enter a new, 5-year Purchasing Agreement with Axon Enterprise; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for the payment of Year 1 costs of said new Purchasing Agreement with Axon Enterprise and which are to be charged to Account 1-01-55-900-250 in the amount of \$24,863.60, Account T-05-600-021 in the amount of \$48,316.59 and 1-01-130-214 in the amount of \$27,887.19, under purchase order #21-03750, prepared in accordance with N.J.A.C. 5:30-1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that payment of Year 1 costs of the purchase of the new Purchasing Agreement with Axon Enterprise, which totals \$101,067.38, is hereby authorized, with payments for Years 2-5 of this agreement subject to the availability of funds in subsequent budget years. It is anticipated that the Town Council shall commit to providing the necessary funding for the balance of its financial commitment pursuant to the new 5 Year Purchasing Agreement with Axon Enterprise; and

BE IT FURTHER RESOLVED that the proper Town Officials be and are hereby authorized to take whatever actions are appropriate in the execution and discharge of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ85038-9661.

TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2231

**AN ORDINANCE ADOPTING THE PROSPECT & FERRIS
REDEVELOPMENT PLAN**

1. **WHEREAS**, the Local Redevelopment and Housing Law, *N.J.A.C. 40A:12A-1, et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as being in need of redevelopment; and

WHEREAS, on October 13, 2020, the Westfield Town Council (the “**Governing Body**”) adopted Resolution 225-2020, declaring that the entirety of the Town of Westfield (the “**Town**”) met the statutory criteria for designation as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. (the “**Redevelopment Law**”), and designating all parcels within the Town as areas in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, the Governing Body determined that the use of the redevelopment powers granted to municipalities under the Redevelopment Law would be the most effective approach to revitalize the parcels contained in the Rehabilitation Area; and

WHEREAS, included within the Redevelopment Area are the properties at 201 Prospect Street (Block 2504, Lots 12 and 13) and 112 Ferris Place (Block 2504 Lot 14) as shown on the official tax maps of the Town (the “**Property**”); and

2. **WHEREAS**, the Town retained the professional planning services of Topology which has prepared a redevelopment plan for the Property dated November 17, 2021, entitled the “*Prospect + Ferris Redevelopment Plan*,” a copy of which is attached to this Ordinance as Exhibit A (the “**Redevelopment Plan**”); and

3. **WHEREAS**, the Redevelopment Plan is part of an effort by the Town to promote the rehabilitation of underutilized and vacant properties in and around the Town's core and, to advance this objective, this Redevelopment Plan sets forth a vision and standards for the adaptive reuse of the Property; and

4. **WHEREAS**, the Governing Body has determined it to be in the best interests of the Town, the Property, and the Rehabilitation Area to adopt the Redevelopment Plan; and

5. **WHEREAS**, immediately following the introduction of this Ordinance, the Town Clerk was directed to refer this Ordinance and the Redevelopment Plan to the Planning Board for its review and recommendations pursuant to the Redevelopment Law, which review shall take place within forty-five (45) days of the referral; and

6. **WHEREAS**, the Planning Board has reviewed the Redevelopment Plan and issued its recommendations to the Mayor and Council and the Mayor and Council has considered such recommendations.

7. **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Westfield as follows:

1. The Redevelopment Plan, dated November 17, 2021, a copy of which is attached to this Ordinance as Exhibit A, is hereby adopted in its entirety.

2. If any provision or portion of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

3. This ordinance shall take effect immediately upon final publication as required by law.

4. All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect upon adoption passage and publication as required by law.



PROSPECT + FERRIS

REDEVELOPMENT PLAN

THE TOWN OF WESTFIELD, NEW JERSEY



Acknowledgements

Mayor

Mayor Shelley Brindle

Town Council

Councilwoman Linda Habgood

Councilman James Boyes

Councilman Michael Dardia

Councilman Mark Parmelee

Councilman Mark LoGrip

Councilman David Contract

Councilwoman Dawn Mackey

Councilman Scott Katz

Town Administrator

James H. Gildea

Town Clerk

Tara Rowley

Town Attorney

Thomas C. Jardim

Planning Board

Michael Ash, Chair

Mayor Shelley Brindle

Matthew Ceberio

Ann Freedman

Ross Goldstein

Linda Habgood

Anastasia Harrison

Asima Jansveld

Michael La Place

Anthony Tiller

Alexandra Carreras

Planning Board Secretary

Kristine Burd

Planning Board Attorney

Alan Trembulak, Esq.

Town Planner

Donald Sammet, AICP/PP

Plan Date: November 17, 2021

Date Introduced:

Date Adopted:

Prepared by: Topology

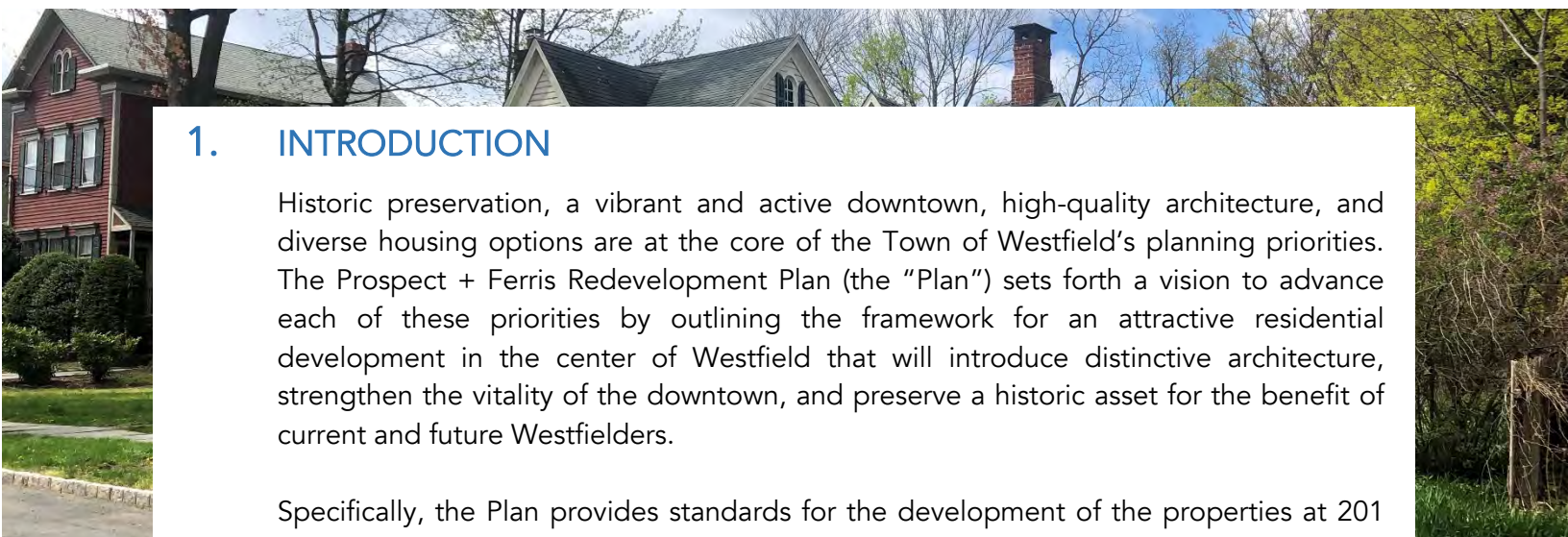
Philip A. Abramson, AICP/PP
NJ Planner License No. 609600

Christopher P. Colley, AICP/PP
NJ Planner License No. 647100

Marc Lincer
Benjamin Nechmad

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1. INTRODUCTION

Historic preservation, a vibrant and active downtown, high-quality architecture, and diverse housing options are at the core of the Town of Westfield's planning priorities. The Prospect + Ferris Redevelopment Plan (the "Plan") sets forth a vision to advance each of these priorities by outlining the framework for an attractive residential development in the center of Westfield that will introduce distinctive architecture, strengthen the vitality of the downtown, and preserve a historic asset for the benefit of current and future Westfielders.

Specifically, the Plan provides standards for the development of the properties at 201 Prospect Street (Block 2504, Lots 12 and 13) and 112 Ferris Place (Block 2504 Lot 14). Collectively, these properties are referenced throughout the Plan as the Properties, Site, Redevelopment Plan Area, or Area. The Properties are located on the edge of downtown Westfield, at a key transition point between the central business district and adjacent residential neighborhoods.

The standards included in the Plan permit the conversion of the Properties into a mixed-use development with multi-family housing, limited ground floor retail, and amenity areas. The building proposed under this Plan will feature architecture that is reflective of Westfield's existing character and contemporary best practices. The building will include parking that is adequate to service demand but hidden from view, sustainability measures designed to mitigate its environmental impact, and affordable housing.

In addition to the principal structure, the Plan requires several public benefits. It mandates the preservation of a historic home on the Site and proposes a vision for the conversion of this home into a new cultural and educational amenity. It requires streetscape improvements to create an improved pedestrian environment. It mandates that any project be accompanied by an associated Traffic Impact Study that will identify any detrimental impacts to vehicular circulation and proposed corresponding mitigative measures. Ultimately, through implementation of this Redevelopment Plan, the Town will facilitate development that is reflective of priorities detailed in previous planning documents and the Master Plan.

1.1. Redevelopment Area Context Map



Figure 1: Redevelopment Area

1.2. Statutory Compliance

In accordance with the LRHL [N.J.S.A. 40A: 12A-7. A.2], this Plan establishes the following proposed requirements for the Property:

- Land Uses
- Bulk Standards
- Design Criteria
- Electric Vehicle Charging Infrastructure
- Building Requirements

Unless otherwise stated, the provisions set forth in the Plan shall supersede, govern, and control the standards set forth in the Land Use Ordinance of the Town of Westfield. Definitions or regulations in the Land Use Ordinance of the Town of Westfield that are not specifically addressed by a superseding standard, definition, or regulation in this Redevelopment Plan shall apply as part of this Redevelopment Plan.



2. LOCAL REDEVELOPMENT AND HOUSING LAW

The Town of Westfield determined that the use of the redevelopment powers granted to municipalities under the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1, et. Seq,) would be the most effective approach to revitalize the parcels contained in the Redevelopment Plan Area.

On October 13, 2020, the Westfield Town Council passed Resolution 225-2020, declaring that the entirety of the Town of Westfield met the statutory criteria under the LRHL as an area in need of rehabilitation and designating all parcels within the Town as areas in need of rehabilitation. This designation forms the statutory basis for this Plan.

For more information, refer to Local Redevelopment and Housing Law (LRHL) Regulations + Policy (Appendix A).



3. RELATION TO OTHER PLANS

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A 40A:12A-7(d)). As well, the redevelopment plan must address “Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan” (N.J.S.A 40A:12A-7(a)(5)). The Plan is significantly consistent with and intended to effectuate the Town’s Master Plan documents. This Plan is consistent with the following plans as detailed in Appendix B.

- Local Master Plan
 - 2020 Master Plan Vision, Guiding Principles, and Goals and Objectives
 - 2021 Housing Plan Element & Fair Share Plan
 - 2021 Unified Land Use and Circulation Element
- Surrounding Communities’ Master Plans
 - Township of Clark
 - Township of Cranford
 - Borough of Garwood
 - Borough of Mountainside
 - Township of Scotch Plains
- Union County Master Plan
- NJ State Development and Redevelopment Plan

4. SITE DESCRIPTION

4.1. Property Context + Location

The Site is located on the corner of Prospect Street and Ferris Place, on the edge of downtown Westfield. Properties in the area surrounding the site include a mixture of uses, reflective of the Site's transitional nature between downtown and residential areas.

To the north and west, Prospect Street features a mixture of single-family and multi-family uses. Directly across Prospect Street from the site is a collection of parking lots and retail uses, including a popular Trader Joe's. To the south and east along Prospect Street is multi-family residential development and a mixture of commercial uses. The Westfield NJ Transit station is located roughly two blocks to the southeast.



Figures 2, 3: Uses along Prospect Street to the south, east, and across from the site include multi-family development and large retail centers. These land use patterns reflect proximity to the heart of downtown and NJ Transit Train Station.



Figures 4, 5: To the north and west along Prospect Street, land uses are more universally residential, with single-family housing typologies interspersed with multi-family developments.

Uses are also mixed along Ferris Place. The southwestern end of Ferris Place is home to the Westfield YMCA. Ferris Place also includes single-family homes professional offices, parking areas, and the First United Methodist Westfield Church.



Figure 6, 7: Ferris Place features a mixture of uses, including residential, civic and, professional office.

Architecture in the vicinity of the Area, while varied, is generally colonial. Prominent materials include clapboard and brick. Prominent architectural elements include dormers, shutters, chimneys. Buildings generally range between two and four stories.

4.2. Site History

The Site is located within the Prospect Street Historic District, a locally identified historic district. Prospect Street within the district is, as described in the Town's Historic Preservation Plan, reflective of "Westfield's transition from farming center to suburb."¹ The history of the Site is reflective of this transition.

The modern-day town of Westfield originated as a farming village in the Pre-Revolutionary Period. It was established as a village in 1720 and was originally referred to as the West Fields of Elizabethtown. Its more modern name, Westfield, is a vestige to its agrarian roots. Westfield officially separated from Elizabeth and was incorporated into an independent town in 1794.

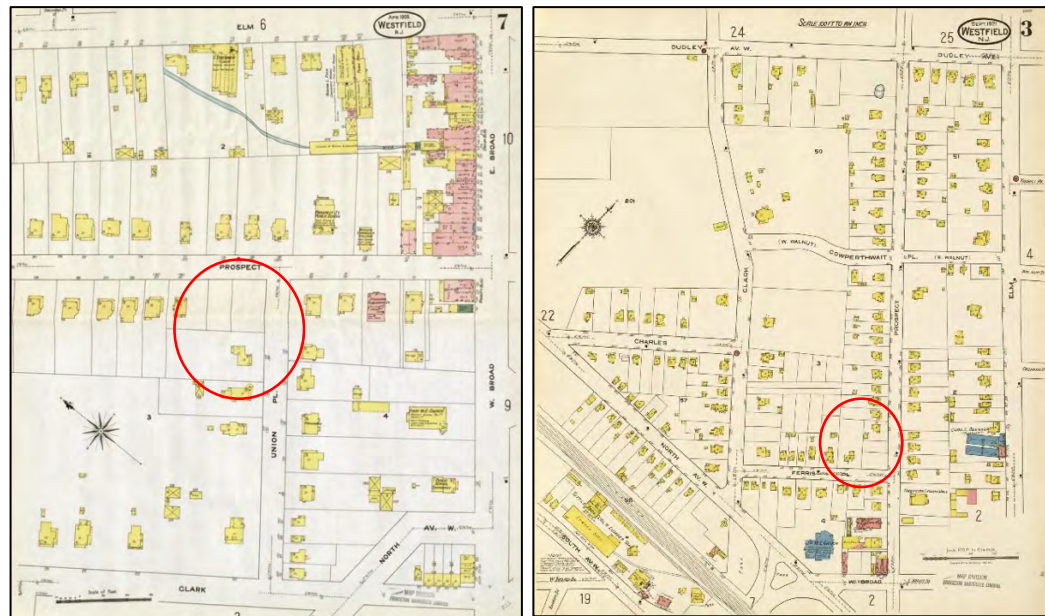
Westfield changed rapidly in the 19th century . The first train passed through the town in 1838 and a direct and regular line to Jersey City was established in the 1860's, essentially connecting Westfield to New York. The population skyrocketed from under 1,000 to over 4,000 between 1880 and 1900. During that time electric lights, multiple newspapers, sewer and water systems and a trolley system were

¹ "Historic Preservation Plan," pg. 50. (2002). Town of Westfield.

<https://www.westfieldnj.gov/DocumentCenter/View/466/10-Historic-Preservation-Plan-PDF>

established in the growing town. Many of the buildings that make up the downtown today were built during the late 19th and early 20th centuries and have imbued Westfield's central business district with a quaint and historic architectural ambiance.²

Development patterns in the vicinity of the site in the early twentieth century are reflected in the Sanborn maps below.



Figures 8, 9: Development in the vicinity of the site, as reflected in Sanborn maps from 1909 (left) and 1921 (right).

Significantly, Block 2504, Lot 14 is home to a locally identified historic site. This structure is known locally as the Ferris Place House or Joseph Mills House and referenced throughout the Plan as the "Historic Structure." Joseph Mills was one of the founders of Westfield and the home, constructed in the 18th century, is, in addition to being one of the oldest remaining structures in Westfield, a direct connection to Westfield's agrarian past and pre-revolutionary history.³ The house is believed to have been relocated from East Broad Street in the late nineteenth or early twentieth century.⁴ Preservation of the Historic Structure is fundamental to the successful implementation of this plan.

² "History." Town of Westfield. <https://www.westfieldnj.gov/322/History>

³ Hatfield, E. F. (1868). *The History of Elizabeth, New Jersey; Including the Early History of Union County*, pg. 580. Calton & Lanahan.
<https://archive.org/details/historyofelizabeth00hatf/page/n7/mode/2up?view=theater>

⁴ Two Homes Companions For 150 Years. (1939, May 25). Bridgewater Courier News.
https://www.wikitree.com/photo/jpg/Pearsall_Family_Material-2

Recently, the Properties were identified in the Town’s Master Plan documents as potential candidates for redevelopment efforts. Specifically, the Town’s Unified Land Use + Circulation Element, adopted in 2021, calls for the Town to “explore opportunities to utilize the Local Redevelopment and Housing Law to encourage the development of certain properties that would further the Town’s community vision and goals and objectives...[including] the property on the corner of Ferris Place and Prospect Street (Block 2504, Lots 12, 13, 14).”⁵



Figure 10: The Historic Structure.

4.3. Existing Conditions

4.3.1. Property Description

The Property is located on a corner and is composed of three lots, which total roughly 41,382 SF or 0.95 Acres.

Block 2504, Lot 14 is located on Ferris Place. The property is roughly .466 acres. This property is home to the Historic Structure. The property is presently vacant.

⁵ “Unified Land Use + Circulation Element,” pg. 79. (2021). Town of Westfield, H2M Architects + Engineers, and WSP. <https://www.westfieldnj.gov/DocumentCenter/View/2499/Unified-Land-Use-and-Circulation-Plan---June-2021>

Block 2504, Lot 13 is roughly .295 acres. The property is located at the corner of Ferris Place and Prospect Street. This property is occupied by a vacant single story structure. This property was most recently used for office purposes.

Block 2504, Lot 12 is located on Prospect Street. The property is roughly .19 acres. The property is primarily occupied by a surface parking area, comprised of a mixture of paved and impermeable surfaces.



Figure 11: Properties comprising the Site

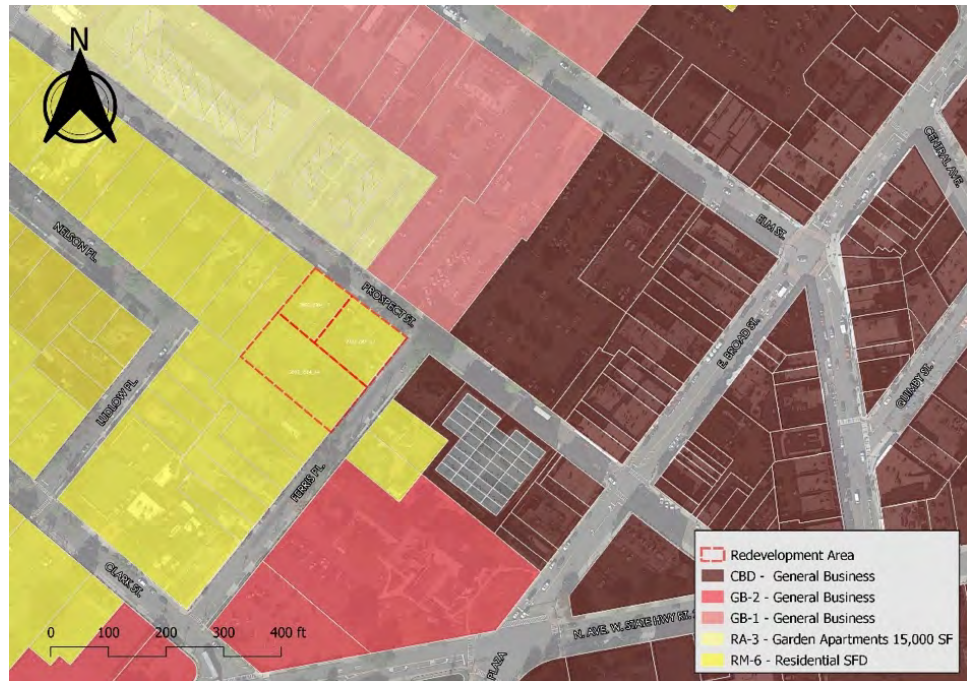


Figures 12, 13: Existing site conditions, Lots 12 and 13.

4.3.1. Existing Zoning

The table below lays out an overview of the use and bulk regulations of the RM-6 zone. The full RM-6 zoning is available in the Town of Westfield's zoning code.

Principal Uses/Structures	1. Single-family residential uses in detached single-family residential structures 2. Two-family residential uses in a single structure on the same lot 3. Public parks and playgrounds 4. Community residences and shelters.	
Accessory Uses/Structures	1. Parking and parking facilities as regulated in Article 17 2. Signs as regulated in Article 16 3. Home occupations as regulated in Article 14 4. Family day care homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b. 5. Antennas, as regulated in § 13.04 6. Accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.	
Conditional Uses and Structures	1. Houses of worship; 2. Non-profit chartered membership organizations; 3. Residential-type public utility facilities; and 4. Certain cellular telecommunications antennas as set forth in Article 18.	
Prohibited Uses/Structures	Any uses or structures not mentioned above	
	Single Family	Two Family
Minimum Lot Area	6,000 SF, corner lots 7,200 SF	8,000 SF, corner lots 8,400 SF
Minimum Lot Width	50 ft, corner lots 60 ft	60 ft, corner lots 70 ft
Maximum Building Height	2.5 stories, 32 ft in height.	"



Figures 14: Existing zoning in and around the site.

4.3.2. Mobility

Vehicular Access: Principal site access is provided by Prospect Street as well as Ferris Place. The Site is located one street over from Elm Street, a roadway identified as a major collector. There are two major arterials, Routes 613 and 509, that are accessible within 1,000' of the Site. The Site is also close to State Route 28, a southwest-northeast arterial that provides access to the Garden State Parkway at Exit 137 approximately 2.5 miles northeast of the Site. The Garden State Parkway is also accessible 2.25 miles to the southeast at Exit 135 via Central Avenue, and State Route 22 is approximately 2 miles north of the Site.

Pedestrian: The Site is within walking distance of the commercial center and downtown Westfield. The Site is also within a 15-minute walk to Mindowaskin Park, Clark Memorial Park, Westfield High School, Roosevelt Intermediate School and the YMCA of Westfield, with consistent sidewalk access to each of these locations. Sidewalks run the length of both sides of all adjacent streets and nearby downtown Westfield features prominent and well-marked pedestrian crossings. Walk Score, a tool commonly used to assess the general walkability of a property, assigns the Redevelopment

Plan Area a Walk Score of 97 out of 100. This score means that “daily errands do not require a car.”⁶

Public Transit: The Site is approximately 0.3 miles from the Westfield Train Station. The station is serviced by NJ Transit’s Raritan Valley Line, with eastbound service to Newark Penn Station and westbound service to High Bridge. The Site is within close proximity to stops along NJ Transit bus routes 59 and 113 with service between Newark and Dunellen and New York and Dunellen respectively.



Figure 15: Transit infrastructure in the vicinity of the Redevelopment Plan Area.

⁶ WalkScore. (2021). <https://www.walkscore.com/score/201-Prospect-St-Westfield-Nj-07090>.
<https://www.walkscore.com/score/201-prospect-st-westfield-nj-07090>



5. PUBLIC PURPOSES

5.1. Goals + Objectives

5.1.1. Provide a development that encourages multimodal transportation.

- Create the necessary circulation patterns and infrastructure to serve the needs of vehicles, pedestrians, and cyclists.
- Provide sufficient parking but subordinate its design prominence to create an environment that encourages the use of alternative means of transportation.
- Incorporate a pedestrian-oriented streetscape that provides an inviting and safe public space for residents to travel and socialize.

5.1.2. Incorporate high-quality architecture that respects the character of the surrounding area, as well as historic architectural designs.

- Ensure that the Site respects Westfield's current and historic architectural aesthetic through rigorous design standards.
- Promote iconic architecture that both respects and enhances the built environment of the surrounding area.

5.1.3. Employ green infrastructure and sustainable design that minimize the Site's impact on the environment

- Incorporate street trees into the streetscape and green infrastructure elements into building and landscaping designs to reduce runoff, mitigate flooding, and improve local water quality.
- Reduce the environmental impact of the Property through the use of sustainable building standards and materials.

5.1.4. Provide a diverse set of housing options to suit the needs of all Westfield's residents

- Create a vibrant development that is available to residents of multiple income levels.
- Provide affordable housing that accommodates the local need and promotes Westfield's compliance with its fair share housing obligations.



5.1.5. Preserve and protect key historic structures within the town through creative development strategies.

- Preserve and restore the Historic Structure to ensure that Westfield's connection to its agrarian and pre-Revolutionary past is maintained.
- Introduce cultural and/or educational programming to the Historic Structure to activate this resource for future generations.

5.2 Affordability

The Project shall provide an affordable housing set-aside of 15% if the affordable units are to be offered for rent and 20% if the affordable units are to be offered for sale.

All affordable units created must comply with all applicable regulations of the affordable housing regulations of Article 23 of the Land Use Ordinance of the Town of Westfield, the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and the Council on Affordable Housing regulations (N.J.A.C. 5:93-1 et seq., N.J.A.C. 5:97-1.1 et seq.) with the exception that in lieu of ten (10) percent of affordable units required to be at least thirty-five (35) percent of median income, thirteen (13) percent of affordable units shall be required to be at thirty (30) percent of median income.

Affirmative marketing and deed restriction requirements shall be in accordance with applicable laws and rules. Any fractional unit shall be rounded upward. All affordable units shall be constructed on site and integrated with the market rate units.

The Project shall adhere to the applicable requirements of Article 22 of the Land Use Ordinance of the Town of Westfield entitled Affordable Housing Development Fee and Trust Fund.

5.3 Historic Structure

As noted, the Site is home to the Historic Structure, one of the oldest remaining structures in Westfield. Any project pursued under this Plan shall include preservation and restoration of the Historic Structure. After restoration, the Historic Structure shall be utilized as an Educational and Cultural Amenity, as defined herein. Access to the Historic Structure shall be provided to the public at regularly scheduled times and by appointment.

Any Redevelopment Agreement adopted in furtherance of this Redevelopment Plan shall include a Protection Plan. The Protection Plan shall be prepared by an architect or engineer with extensive experience in historic preservation. The Protection Plan shall specify, at minimum, the means and methods by which the Historic Structure will be restored and protected during construction. The Protection Plan may allow for temporary relocation of the structure during the construction period.

Any Redevelopment Agreement adopted in furtherance of this Redevelopment Plan shall also include a Historic Reuse Plan, which shall identify, at minimum, cultural and educational activities which will take place in the House, potential partners for programming and operating the House, and plan for public accessibility (i.e., hours of operation and procedure for making appointments).

5.4 Traffic Impact

Any Redeveloper pursuing a project in furtherance of this Plan shall conduct a Traffic Impact Study ("TIS").

The TIS shall conform with applicable standards published by the Institute of Transportation Engineers ("ITE") and shall be included as an attachment to the Redevelopment Agreement. The analysis shall determine the site peak hour generation as well as the roadway peak hour and study the critical hours. The TIS shall study, at minimum, the following intersections:

- Ferris Place and Prospect Street
- Ferris Place and Clark Street
- Prospect Street and E Broad Street

The primary purpose of the TIS is to determine the impact of the project on traffic patterns and if additional infrastructure improvements will be necessitated by redevelopment of the Area. The study shall also evaluate pedestrian phasing of traffic signals and recommend sidewalk/pedestrian measures to encourage safe streets and traffic calming in and around the Area. Any mobility improvements required in connection with implementation of the Redevelopment Plan shall be included in a Redevelopment Agreement to be executed by the Redeveloper and Town.

5.5 Streetscape Improvements

Redevelopment shall incorporate streetscape improvements that reflect the prioritization of the pedestrian experience. Streetscape improvements shall include street trees, lighting, defined curb lines, seating, and sidewalk construction. Sidewalk improvements shall be consistent with the streetscape vision for Downtown Edge Streets outlined in the Town's Master Plan. Specific parameters for streetscape improvements are included in Section 6.5.



6. LAND USE STANDARDS

6.1. Land Uses

6.1.1. Permitted Principal Uses⁷

- Café
- Retail sales
- Educational and cultural amenity
- Multi-family residence
- Mixed-use

6.1.2. Permitted Accessory Uses

- Sidewalk Café
- Parking structure
- Amenity areas
- Roof deck
- Any uses that are customary and incidental to permitted principal uses

6.1.3. Prohibited Uses

- Any uses not specifically permitted herein

6.2. Bulk, Density and Placement Standards

6.2.1. Lot Requirements:

- A. Minimum lot area: 39,000 square feet
- B. Minimum Lot Width⁸: 175'
- C. Minimum Lot Depth⁹: 175'
- D. Coverage by buildings and above grade structures: 90%
- E. Coverage by improvements: 95%

6.2.2. Building Placement Standards:

- A. Minimum Setback from Prospect Street: 12'
- B. Minimum Setback from Ferris Place¹⁰: 12'
- C. Minimum Setback from Block 2504, Lot 15: 5'

⁷ Multiple principal uses are permitted.

⁸ Lot width shall mean the length of the lot along Prospect Street.

⁹ Lot width shall mean the length of the lot along Ferris Place.

¹⁰ Setbacks from Ferris Place and Prospect Street shall be measured from the curb face to the nearest point of the building.

D. Minimum Setback from Block 2504, Lot 11: 8'

6.2.3. Height:

- A. Maximum Height, Stories: The maximum number of stories shall be four. Parking Structures shall not count toward the maximum number of stories.
- B. Maximum Height, Feet: The maximum height shall be 50'.
- C. Height Exemptions:
 - a. Parapet walls, decorative railings, and similar features shall not count towards the calculation of building height, provided they do not exceed the maximum permitted height by more than five feet.
 - b. Rooftop structures such as heating, ventilating and air conditioning equipment; rooftop stair towers; rooftop egress stairs; rooftop stair tower bulkheads; elevator bulkheads; and elevator enclosures shall not count towards the calculation of building height provided:
 - i. The area occupied by rooftop structures shall not exceed 3,500 square feet of the total roof area;
 - ii. Such rooftop structures shall be set back at least 10' from any wall of the building except rooftop stair towers or rooftop egress stairs which shall be set back at least 10' from any street facing wall of the building; and
 - iii. The height of rooftop stair towers, rooftop stair tower bulkheads, rooftop egress stairs, elevator bulkheads, and elevator enclosures shall not exceed the highest point of any parapet wall or similar feature described in 6.2.3.C.a. above by more than 10'. The height of all other rooftop structures shall not exceed the highest point of any parapet wall or similar feature described in 6.2.3.C.a. above.
 - c. Building elements identified in this section shall not be subject to the restrictions in section 6.2.8.
- D. Fourth Story Stepback, Ferris Place and Prospect Street: Any fourth story fronting Ferris Place or Prospect Street shall be stepped back a minimum of 3' from the outermost building face of the corresponding façade. Stoops, awnings, and other attachments shall not be considered part of the outermost building face for the purpose of measuring the fourth story stepback.

6.2.4. Permitted Number of Residential Units: The maximum number of residential units is 64.

6.2.5. Unit Mixture: No three-bedroom units shall be permitted, except those that are required to satisfy applicable affordable housing requirements.

6.2.6. Maximum Gross Floor Area, Café and Retail Sales: The maximum combined gross floor area ("GFA") of Café and Retail Sales shall be 1,000 square feet.

6.2.7. Bulk Standards, Educational and Cultural Amenity: The maximum gross floor area of Educational and Cultural Amenity space shall be equal to the existing gross floor area of the Historic Structure at the time of adoption of this Redevelopment Plan plus 10%. The maximum height of the Educational and Cultural Amenity shall be 35' as measured vertically from the normal grade to the highest point of the structure.

6.2.8. Bulk Standards, Accessory Buildings or Structures for Amenity Areas:

- A. Maximum Height, Accessory Buildings or Structures: The maximum height of accessory buildings or structures used for amenity areas shall be 22' as measured vertically from the normal grade to the highest point of the structure.
- B. Minimum Setback: The minimum setback from Block 2504, Lot 11 and Block 2504, Lot 15 for accessory buildings or structures used for amenity areas shall be 20'.

6.2.9. Ceiling Height

- A. Ceiling height shall be measured from the top of the finished floor to the finished ceiling above, excluding beam drops and duct soffits.
- B. Ground Level, retail sales or cafe uses: 12' minimum
- C. Ground Level, all other uses: 10' minimum
- D. Upper Level(s): 8' minimum

6.3. Parking and Loading Requirements

6.3.1. Vehicular Parking Requirements

Vehicular parking shall be required for new development or changes in use in accordance with the table below:

Use	Required Parking
Multi-family residence	1.5 spaces/unit
Café, Retail sales	Zero spaces if 1,000 SF GFA or less; One space per 300 SF GFA over 1,000 SF GFA
Educational and cultural amenity	0 spaces

6.3.2. Electric Vehicle Charging: Electric vehicle charging infrastructure shall be provided in accordance with the requirements of the Municipal Land Use Law and Town Land Use Ordinance.

6.3.3. Parking Location: All parking shall be located within a Parking Structure. No surface parking is permitted.

6.3.4. Bicycle Parking Requirements: A minimum of one bicycle parking space shall be provided for each residential unit.

6.3.5. Loading Requirements: The Applicant shall, as a component of their Site Plan application, seek the creation of an on-street loading zone on the north side of Ferris Place. The loading zone shall be subject to the approval of the Town Council and amendment of the appropriate ordinance. If the Town Council does not approve the creation of the on-street loading zone, no loading zone shall be required.

6.4. Building Design Standards

6.4.1. General Requirements

- A. Construction within the Area should complement and contribute to the historic character of architecture in Westfield.
- B. Design of building facades shall be informed by the conceptual renderings included in Figure 16 below:



Figure 16: Conceptual rendering of the building elevation

- C. The primary entrance point shall be located near the intersection of Ferris Place and Prospect Street.
- D. The primary entrance point shall be defined by architectural features (canopy, portico, or similar). The entry point should feature large windows and increased transparency to create a sense of openness.
- E. Massing should be oriented toward the corner of Ferris Place and Prospect Street, and gradually taper away from this point.
- F. Buildings shall be generally built parallel to the street frontage and include street facing entrances.
- G. Street facing façades shall be composed so that the rhythm of ground floor attachments and openings harmonize with the rhythm of attachments and openings on upper stories.
- H. Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
- I. Blank walls, meaning walls that lack fenestration or architectural features, are discouraged. Where blank walls must occur and are visible from the public right of way, measures to mitigate their aesthetic impact are encouraged, including public art, landscaping, green walls, and false windows.

6.4.2. Façades and Permitted Materials

- A. Building façades shall be built of no more than three (3) primary materials, excluding accent materials.
- B. Buildings shall be articulated to break up façades and ensure that long monotonous building frontages are not constructed.
- C. Natural materials are encouraged. Materials intended to imitate natural materials are discouraged.
- D. High-quality building materials shall be utilized.
- E. Permitted foundation materials are:
 - Stone or cultured stone
- F. Permitted roof materials are:
 - Aluminum standing seam roof
- G. Permitted primary façade materials are:
 - Brick
 - Cast stone
 - Cementitious siding
- H. Façade accent materials shall not compose more than 20% of any façade. Permitted façade accent materials are:
 - Metal frames
 - Metal panels
 - Stucco (i.e., not EIFS)
- I. Prohibited materials
 - Materials not listed as permitted shall be prohibited.

6.4.3. Openings

- A. Window sizing and spacing shall be consistent with and complementary to the overall façade composition.
- B. The building may be composed of different elements to promote horizontal articulation. Window types shall be consistent within building elements. Window types in different building elements shall be complementary to window types in other building elements.
- C. Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
- D. Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
- E. Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
- F. Shutters shall be operable or designed and installed as if they were operable including hardware.
- G. Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.

- H. Openings above should be equal in size or smaller than openings below.

6.4.4. Roofs

- A. Roof lines or secondary horizontal elements (i.e., minor cornices) shall employ treatments to create architecturally distinct portions of the façade whether it be through sloping, dormers, crenulation, parapet design, cornice or other similar approaches.
- B. Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.
- C. The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.

6.4.5. Attachments

- A. Projecting elements are encouraged on façades to create articulation.
- B. Permitted attachments include, but are not limited to, awnings, canopies, bay windows, and chimneys.
- C. Awnings and canopies shall not be internally illuminated.
- D. Balconies shall not be fully enclosed. Balconies with walls on three sides and railings shall not be considered fully enclosed.
- E. Chimneys shall extend to grade.
- F. Balcony, porch, and stoop railings between balusters should have both top and bottom rails.

6.4.6. Vertical Rhythm

- A. Generally: The design of all structures shall incorporate a clear visual division between the base, middle and top as described below. These elements shall be established using cornice lines, windows, or similar horizontal architectural elements.
- B. Building Base: The base is defined as the first story of the building. Building base and ground floor shall be clearly defined utilizing the following architectural elements:
 - Ground floors should use techniques such as stoops, entryways, or other openings, to create contrast with upper floors. Minimum sidewalk widths should be maintained.
 - Direct-entry residential units shall be provided along the Prospect Street building frontage. Direct-entry residential units should be designed as Live/Work units.
 - The relationship of width to height of windows and door openings at ground level should be visually compatible with

openings in the same building façade and/or other nearby or related structures.

- C. Building Middle: The middle shall be defined as the space between the top and base portions of the building. This space may be broken up through the use of more subtle and subdued horizontal architectural elements.
 - Enclosed architectural projections (such as bay windows) up to five feet deep are allowed beyond the primary façade or projected façade components of the building, but minimum sidewalk width must be maintained.
 - At the discretion of the Planning Board, projections over five feet are allowed above the first story, so long as they do not project into the public right-of-way without the legal authority to do so.
- D. Building Top: The top shall be defined as the top floor of the building. Appropriate cornice lines may enhance the top of the building. The top of the building may be differentiated in materials or staggered rooflines. Pitched or gabled roofs are encouraged.
- E. Vertical rhythm should be defined utilizing the following techniques:
 - Awnings or canopies over ground floor entrances.
 - Differentiation between vertical components, as follows:
 - Materials
 - Masonry details
 - Color changes
 - Fenestration changes
 - Inclusion of pre-cast or masonry details to define columns, piers and keystones
 - Decorative gutters, downspouts and scuppers

6.4.7. Horizontal Rhythm

- A. Generally, all buildings shall incorporate elements that divide façade planes and create a visual play of light and shadow. Long, uninterrupted horizontal façades are prohibited.
- B. Horizontal rhythm may be created using the following design elements:
 - Building projections
 - Stepbacks
 - Uniformity and/or variety in fenestration patterns.
 - A balcony or bay window
 - A change in the roofline by including chimneys or by alternating parapet heights

- A change in building materials that correspond to a change in the façade plane
 - Differentiated lighting fixtures or similar architectural elements.
 - Landscape features such as trellises, trees, or other landscape features
 - Shifting façade planes
- C. Rooflines: Rooflines shall be modulated with the remainder of the façade and can be used as an effective horizontal rhythm technique. For flat roofs or façades with a horizontal eave, fascia, or parapet, the roofline shall correspond with the modulation of the primary façade.

6.4.8. Parking Garages + Blank Walls

- A. Parking shall be provided in a parking structure.
- B. Portions of the parking structure located above the average grade of the adjacent street should be screened by habitable building space to the greatest extent realistically feasible.
- C. Parking that is unable to be screened by habitable building space shall be screened by alternative means, including:
 - Residential stoops
 - Landscaping
 - Green walls
 - False windows
 - Balconies
- D. Access to the parking structure shall be provided via Ferris Place. Access shall be designed to minimize conflicts with pedestrian circulation.
- E. The entry point to the parking structure shall be designed in a manner that is architecturally complementary to the remainder of the building, including in use of fenestration.
- F. Garage fenestration shall be designed to shield vehicle headlights from exterior view to the greatest extent possible.

6.4.9. Sustainability

- A. Sustainable design strategies and materials are encouraged in accordance and furtherance of Resolution 127-2020. Such design strategies and materials include those specified by the Town's Green Development Checklist, adopted by General Ordinance No. 2189.
- B. A green roof shall be created. The green roof shall be a minimum of 8,000 SF. The green roof may include a combination of intensive and extensive elements. The Green Roof shall be designed in accordance with the Town's Stormwater Management Ordinance (General

Ordinance No. 2208), NJDEP regulations, and best practices, including but not limited to the NJDEP's New Jersey Stormwater Best Management Practices Manual.

- C. Additional sustainable design strategies may include, but are not limited to:
 - Low VOC paints, stains, and building materials
 - Double or triple paned windows
 - LED lighting
 - Water harvesting for on-site irrigation (greywater systems)
 - Building materials comprised of recycled or locally sourced materials
 - Solar screening
 - Green stormwater infrastructure (i.e., bioswales and rain gardens)
 - Permeable pavement

6.4.10. Historic Structure Restoration

- A. Modifications to the exterior of the Historic Structure anticipated by this Plan are limited primarily to rehabilitation and restoration.
- B. Architectural modifications to the Historic Structure required as a result of restoration and rehabilitation of the existing structure should be designed and implemented in a manner complementary to the existing architecture, as it relates to materials, fenestration, building articulation, and other similar factors.
- C. Modifications to the Historic Structure shall be informed by the Town of Westfield Design Guidelines for Historic Sites and Districts, as revised and adopted by the Westfield Historic Preservation Commission on December 28, 2020.

6.5. Site Design Standards

6.5.1. Generally

- A. Public and private realms should be integrated and connected.
- B. All streetscape and landscape improvements shall be designed by a licensed Landscape Architect with experience in pedestrian-oriented design.

6.5.2. Streetscape

- A. The streetscape shall be designed in a manner consistent with the recommendations of the Town of Westfield's Unified Land Use and Circulation Element for a Downtown Edge Street.

- B. The streetscape shall be comprised of a frontage zone, pedestrian clear zone, and buffer zone. The combined width of the frontage zone, pedestrian clear zone, and buffer zone shall be a minimum of 12' at all points.
- C. In order to enhance pedestrian safety and reduce crossing distances, a bumpout shall be created at the northwest corner of Ferris Place and Prospect Street.

6.5.3. Sidewalks

- A. ADA compliant tactile pavers shall be used to define the edge of any service drive or driveways.
- B. Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.

6.5.4. Street Trees

- A. Pollution resistant street shade trees are to be planted along the street, at regular intervals pending species type, 30' on center if a small street tree with a canopy spread up to 30' or spaced at 40' on center intervals if a medium or large tree with a canopy spread above 30'. Trees shall be a minimum of two-and-a-half (2.5) inches in diameter at breast height. The Planning Board shall approve species and location of trees.
- B. Brick or Belgian block pavers at the perimeter of tree pits are encouraged.
- C. Raingardens and/or bioswales in tree pits are encouraged.
- D. Tree irrigation bags must be installed and maintained for at least six months after planting.
- E. Street trees should be coordinated with site lighting.

6.5.5. Street Furniture

- A. The use of street furniture in frontage zones is encouraged.
- B. Any street furniture provided, including but not limited to benches, trash receptacles, and tables, shall be located such that a minimum of six feet of unobstructed sidewalk remains for the safe passage of pedestrians.
- C. Use of bike racks that function as art pieces is encouraged, as reflected in the figure below.



Figures 17, 18: Bike racks functioning as public art.

- D. Trash receptacles are to be provided at regular intervals along pedestrian walkways, including public rights-of-way, at a minimum of 100' on center or at every corner. The use of compacting trash receptacles is encouraged.
- E. Street furniture must be designed to accommodate people of all ages and abilities and be compliant with ADA requirements and New Jersey Barrier Free Subcode.
- F. Developer shall propose a palate of furniture, fixtures, and finishes for seating that are consistent with the aesthetic of Westfield and the project.

6.5.6. Roof Decks

- A. Access to roof decks shall be limited to tenants and their visitors.
- B. Roof decks shall be designed in an attractive manner that will not detract from adjacent uses, and will prevent nuisance and safety issues. Design of the rooftop must utilize all reasonable efforts to minimize the effect of noise and light on adjacent properties and the street.
- C. Roof decks shall be used solely as seating areas.
- D. No cooking equipment shall be permitted on roof decks.
- E. Lighting must comply with Section 6.5.8 below.
- F. The use of lights spaced evenly along a cable or wire, commonly known as "string lights" shall be permitted. Lights must be turned off when the rooftop use is not in operation.
- G. No lighting shall be placed more than 12' above the deck of the flat roof.
- H. There shall be at no time permitted any television or video or electric screens or displays and no live entertainment, music, speakers, or public address system shall be permitted on the rooftop. The rooftop must be maintained as a quiet, relaxed environment.
- I. Roof decks may be utilized between the hours of 7:00 am and 11:00 pm.

6.5.7. Outdoor Amenity Areas, Ground Level

- A. Outdoor amenity areas may be provided at the ground level. Access to these amenity areas shall be limited to tenants and their visitors.
- B. Amenity areas shall not be rented for commercial use.
- C. Ground level amenity areas may include features barbecue grill(s), fire pit(s), clubhouse, swimming pool(s), dipping pool(s), hot tub(s), and other similar amenities.
- D. Amenity areas shall be designed in an attractive manner that will not detract from adjacent uses and will prevent nuisance and safety issues. Design of the amenity areas must utilize all reasonable efforts to minimize the effect of noise, light, and odor on adjacent properties and the street.
- E. A clubhouse may be created within a ground level amenity area. The maximum gross floor area of the clubhouse, inclusive of restrooms, shall be 1,200 square feet. The clubhouse, and any other accessory buildings or structures, shall be designed in a manner complementary to and consistent with the principal structure(s) on site, including in terms of materials and architectural style.
- F. Ground level outdoor amenity areas may be utilized between the hours of 7:00 am and 11:00 pm.

6.5.8. Lighting

- A. Architectural accent lighting is encouraged.
- B. Security Lighting: where used for security purposes or to illuminate sidewalks and roadways only shielded light fixtures shall be used.
- C. Foundations supporting lighting poles not installed four feet behind the curb, shall not be less than 24 inches above ground.
- D. Light Trespass (Nuisance Light): all light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
 - At grade level above the property line of subject property, illuminations from light fixtures shall not exceed 0.3 foot-candles in a vertical plane on residentially zoned property.
 - Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
 - Light fixtures near adjacent properties may require special shielding devices to prevent light trespass.

- E. A lighting plan shall be submitted that illustrates compliance with these standards.

6.5.9. Landscaping + Buffers

- A. Landscaping shall be provided along property lines to create buffers with adjacent property uses. Buffers are intended to establish clear delineation between properties and to minimize the visual impacts between properties. Buffers should be designed to minimize any negative impact on adjacent property owners, including light and sound impacts.
- B. Buffers along property lines should consist of two elements. These two elements should contain:
 - 6' fence or wall. Walls utilized as buffers may be constructed of stone, brick, or similar materials that promote an attractive aesthetic. Fences may be made of wood, or other materials that promote an attractive aesthetic. Chain link fences shall not be permitted. Fences or walls shall not be subject to setback requirements.
 - Densely planted landscape buffer. Landscape buffers shall have a minimum of three feet at planting. Evergreen plantings are encouraged.
- C. Landscaped beds, gardens, and planting strips should be incorporated into the site design particularly in locations that separate vehicles from pedestrians and where blank façades, or utilities are present.
- D. Landscape buffers shall have a minimum height of two feet at planting.

6.5.10. Stormwater

- A. Construction in the Redevelopment Plan Area shall comply with the Town's Stormwater Control Ordinance (General Ordinance No. 2208).
- B. Use of green infrastructure Best Management Practices, including but not limited to the mandated green roof, is highly encouraged.

6.5.11. Retaining Walls

- A. If retaining walls are required, best efforts shall be made by the developer to minimize the impact of the walls on site design and circulation.
- B. Retaining walls shall be constructed of or clad in brick, stone, modular block, stucco, or other materials consistent with the site architecture.

- C. Retaining walls should be designed in a manner that is harmonious with the balance of the site design. Efforts should be made to design retaining walls in an attractive manner through treatments like landscaping, art, or other interventions.

6.5.12. Parking, Vehicular

- A. No on-site surface parking shall be permitted.
- B. All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
- C. Parking spaces shall measure a minimum of 8.5 feet wide by 18 feet deep.
- D. Compact car spaces measuring eight feet wide by 16 feet deep, shall be permitted provided the total number does not exceed 30% of the total parking provided.
- E. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
- F. All parking plans must show structural support columns to accurately depict feasibility of parking spaces and drive aisles.
- G. An increase of more than 10% of the required minimum parking shall constitute a deviation.

6.5.13. Parking, Bicycle

- A. Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided by the redeveloper.
- B. Bicycle parking shall, at a minimum consist of a room within a building, a secure enclosure within a parking garage, or a similar setup providing similar security and protection from the elements. Facilities should be at least as protected and secure as any automobile parking provided.
- C. Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.

6.5.14. Loading, Utilities, and Mechanical Equipment

- A. Trash and recycling service should be conducted indoors in a centralized location. Trash compaction is encouraged. If trash storage must be conducted outside, it should be fully enclosed in a masonry

structure that complements the building architecture and be secured via visually solid gates.

- B. When technically feasible, outdoor utility equipment shall be placed underground or indoors.
- C. No street fronting ground-mounted utility equipment is permitted.
- D. Façade penetrations, such as for dryer vents or HVAC uses, shall be prohibited along all facades visible from Prospect Street or Ferris Place. Any necessary façade penetrations on other facades shall be color matched with adjacent materials.
- E. Utility meters and similar infrastructure should be located within an enclosed room. Utility meters and similar infrastructure should not be visible from the street.
- F. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening to limit visibility from adjacent streets. Screening mechanisms which surround mechanical equipment may be as tall as the apparatus which they are intended to screen.
- G. Elevator bulkheads and rooftop stair towers shall be designed in a manner complementary to the balance of the building to minimize their visual impact. Strategies for minimizing visual impact may include cladding these features with materials consistent with the building façade, covering these features with plantings, or similar interventions.

6.5.15. Signage

- A. Two canopy mounted signs are permitted. Canopy signs shall utilize pin mounted aluminum letters with brushed finish. Maximum letter height shall be 1'6". The maximum sign area per canopy sign shall be 50 square feet. One canopy mounted sign per street frontage is permitted.
- B. Two wall mounted signs are permitted. Wall mounted signs shall not exceed two feet in height or three feet in width. One wall mounted sign per frontage is permitted.
- C. The vertical distance from the normal grade to the highest point of any sign shall not exceed 18'.
- D. Illumination of signs shall be in accordance with Section 16.03.E of the Land Use Ordinance of the Town of Westfield.



7. ADMINISTRATION

7.1. Applicability

The standards and procedures contained within Section 7, Administration, shall apply to all projects Redevelopment Plan Area.

7.2. Computations

Rounding: Where cumulative requirements or limitations are to be computed for purposes of this Plan, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.

7.3. Other Actions by the Town in Furtherance of the Plan

Other actions may be taken by the Town to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for rehabilitation. Unless otherwise agreed to by the designated Redeveloper and the Town as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.

7.4. Town Designation – Redevelopment Agreement

7.4.1. Usage of the word “developer” or “Redeveloper”

Anytime the word “developer” is utilized in this Redevelopment Plan, the same shall mean the Redeveloper or Redeveloper(s) that may be designated by the Town in accordance with a developer designation or Redeveloper Agreement to be executed between the Town and applicable entities.

7.4.2. Approval Process

Project approval under this Redevelopment Plan shall involve two steps. First, a Redevelopment Agreement will be entered into between the Town and the Redeveloper. Second, the Redeveloper will make an application to the Planning Board. The Town Council will control the timeline for implementation of this Redevelopment Plan and is willing to utilize all powers authorized under the Local Redevelopment and Housing Law to advance the project.

The approval sequence is further detailed below.

- **Redevelopment Agreement**

Prior to application to the Planning Board for Site Plan and Subdivision review, the Town Council shall pass a resolution in a public session authorizing a Redevelopment Agreement between the Town and Redeveloper. Only Redevelopers with an executed Redevelopment Agreement with the Town shall have standing to submit an application to the Planning Board. The following items may be included as an attachment to any Redevelopment Agreement as required by Town Council:

- Architectural rendering
- Building elevations
- Conceptual site plans and floor plans showing allocation of space. Plans should include amenity areas and roof deck(s).
- Demonstration of Redeveloper's financial qualifications, including access to debt and equity to support the project
- Demonstration of Redeveloper qualifications including experience with projects of similar scale and complexity
- Historic Reuse Plan (as described in Section 5.3)
- Landscape plan detailing site improvements
- List of project consultants
- Ownership structure
- Parking and loading study, detailing adequacy of proposed parking
- Protection Plan (as described in Section 5.3)
- Redevelopment timeline
- Signage plan
- Survey of existing property detailing location of existing structures, setbacks from property lines.
- Description of sustainable design strategies and materials, including green roof
- Specific parameters for streetscape improvements.
- Traffic Impact Study ("TIS") confirming to standards contained herein

- **Site Plan and Subdivision Review**

Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Plan Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the applicable attachments to the Redevelopment Agreement, shall be submitted by the applicants for review and approval by the Planning Board of the Town of Westfield. If there is a material change to the attachments to the Redevelopment Agreement, such material changes must be approved by the Council as a prerequisite to site plan approval.

Any application made to the Planning Board in furtherance of this Redevelopment Plan shall follow the procedures of the Historic Designation and Preservation Ordinance of the Town of Westfield in accordance with the property's historic status at the time of application to the Planning Board.

Excepting de minimis field changes to an approved site plan approved by the Town Construction Code Official, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements.

In addition to the above-mentioned items, the following shall be submitted as part of a site plan application if applicable:

- Copy of applications or conceptual designs that have been or will be submitted to NJDOT, Union County, and any other applicable local, state, or federal agencies, as required.
- Will-serve letters from utility service providers, if applicable.

7.5. Local Permits + Approvals by Other Agencies

Redeveloper shall be required to obtain a Zoning approval upon demonstration of compliance with all conditions contained in any resolution of approval from the Planning Board. Redeveloper shall be required to provide, prior to issuance of a zoning approval, copies of all approvals necessary to implement public improvements. Only upon issuance of a zoning approval shall the Town Construction Code Official issue Building Permits or similar approvals to allow construction to commence.

The Redeveloper shall be required to provide the Town with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the Redeveloper(s) and the Town.

7.6. Deviations

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan.

Notwithstanding the above, any changes to the uses permitted in this Redevelopment Plan Area, or any other deviation requiring a "d" variance shall be permitted only by means of an amendment of the Redevelopment Plan by the Town of Westfield Council.

7.7. Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

7.8. Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features to be detrimental to the public health, safety or general welfare.

7.9. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town of Westfield or by a developer or any of his successors or assignees, whereby land within the Redevelopment Plan Areas restricted by the Town of Westfield, or the developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Plan Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status, or gender.

7.10. Rehabilitation Actions

The Town of Westfield shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate Redevelopers, establish clear terms and conditions for rehabilitation through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.

7.11. Relocation Requirements

The Redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the Redevelopment Plan Area. No housing units, temporary or permanent, shall need relocation under this Redevelopment Plan.

7.12. Escrows

The Redevelopment Agreement shall provide that the Redeveloper shall be responsible to post sufficient escrows to cover the reasonable costs of the Town and the professional consultants retained by the Town to negotiate the Redevelopment Agreement, any other agreements associated with the project, undertake any studies in connection with the project, review the proposed project and advise the Town on any and all aspects of the rehabilitation process and as otherwise set forth in the Redevelopment Agreement.

7.13. Infrastructure

In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Town and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection of traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Town and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The Redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.

7.14. Procedures for Amending the Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Westfield Town Council. The Town of Westfield

reserves the right to amend this plan. The Redeveloper shall remit a \$10,000 escrow for professional fees if it requests a Plan amendment, while the Town shall bear its own professional fees if the Plan amendment request originates from the Town or an agency of the Town. The Town, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals.

7.15. **Redevelopment Plan Duration**

The provisions of this Redevelopment Plan specifying the rehabilitation of the Redevelopment Plan Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Westfield Town Council.

7.16. **Certificates of Completion**

Upon completion of a project, the developer shall submit for a Certificate of Completion. Concurrently, a zoning ordinance amendment shall be submitted to the Westfield Town Council requesting that the zoning for the subject parcel(s) be incorporated into the Town Code to ensure that the standards remain applicable.

7.17. **Land Use Map Amendments**

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Westfield Land Use Map to ensure consistency between the two documents.

7.18. **Additional Superseding Provisions**

The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Land Use Ordinance of the Town of Westfield or other applicable Town of Westfield codes or ordinances.

7.18.1. **Terms and Definitions**

- Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Land Use Ordinance of the Town of Westfield

7.18.2. Other Applicable Design and Performance Standards

- Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Use Ordinance of the Town of Westfield.

7.19. Other Provisions

7.19.1. This Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved public utilities, recreation and community facilities and other public improvements. This Redevelopment Plan has laid out various programs and strategies requiring implementation to carry out the objectives set forth herein.

7.19.2. This Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Plan Area.

7.19.3. The diagrams, images, and other graphic representations provided in this Redevelopment Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the rehabilitation of a block depicted in such diagrams, images, or other graphic representations, provided that such development is fully in conformance with the written standards and regulations contained herein.

7.19.4. Final adoption of this Plan by the Town Council of the Town of Westfield shall be considered an amendment of the Town Zoning Map.

7.20. Other Actions

In carrying out this Redevelopment Plan, the Town of Westfield and any designated Redeveloper(s) may be required to undertake a variety of actions. These may include, but will not be limited to, anything permitted under the LRHL.

7.21. Public Improvement Approvals

It is recognized that the public improvement requirements within this plan may require approval of third-party organizations. Construction of improvements shall not commence until all required approvals are received from third party agencies.



8. APPENDIX A: LOCAL REDEVELOPMENT AND HOUSING LAW

New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of rehabilitation," Municipalities have the option of adopting a redevelopment plan for all or a portion of the designated area and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. The rehabilitation designation does not allow the use of condemnation powers under redevelopment or long-term tax incentives.

8.1. Process

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A. The Governing Body must prepare a proposed resolution with a supporting report attached, which would declare identified properties as an area in need of rehabilitation and refers that proposed resolution and any report attached to the Planning Board for its review. Section 14 of the LRHL lists the following criteria which are used to determine if properties can be designated as an area in need of rehabilitation:
 1. "a significant portion of structures therein are in in a deteriorated or substandard condition;
 2. more than half of the housing stock in the delineated area is at least 50 years old;
 3. there is a pattern of vacancy, abandonment or underutilization of properties in the area;
 4. there is a persistent arrearage of property tax payments on properties in the area;
 5. environmental contamination is discouraging improvements and investment in properties in the area; or
 6. a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance."

- B. Within 45 days of the receipt of the proposed resolution, the Planning Board submits its recommendations, including any modifications recommended, to the Governing Body for its consideration. The Governing Body is not bound by the Planning Board's recommendations and may adopt the resolution with or without modifications. If the Planning Board does not submit recommendations within 45 days, the Governing Body may adopt the resolution with or without modification.
- C. The Governing Body adopts the proposed resolution, with or without modification, designating the proposed area as an area in need of rehabilitation.
- D. A redevelopment plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "area in need of rehabilitation."
- E. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

8.2. Redevelopment Plan Content

- A. The LRHL identifies required components to be included in a Redevelopment Plan. In accordance with N.J.S.A 40A:12A-7a, the Redevelopment Plan must include an outline for the planning, development, redevelopment, or rehabilitation of a project area which is sufficient to indicate:
 - 1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
 - 2. Proposed land uses and building requirements in the project area.
 - 3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
 - 4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.

5. Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).
6. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
7. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.



9. APPENDIX B: RELATION TO OTHER PLANS

9.1. Local Master Plan

Westfield adopted a new Master Plan (Unified Land Use & Circulation Element) on June 7, 2021. Based on extensive community engagement conducted as part of the Town's prior Master Plan Reexamination, this document includes a Town Vision, twelve Guiding Principles, thirteen sets of Goals & Objectives, a Sustainable Land Use Pledge, and a range of recommendations.

This Redevelopment Plan provides for a mixed-use project on an underutilized property in a transitional location between downtown Westfield and residential neighborhoods that effectively incorporates multifamily housing, retail, amenity areas, and live-work units. Architecture and massing are strategically used to provide for both a prominent corner property integrated with the downtown and residential design that responds to adjacent neighborhoods and historic architecture. The incorporation and reuse of the existing historic residence as a community amenity is an innovative means by which to achieve historic preservation and community facility goals. The Plan provides for integrated affordable housing, and the Site's location near the Westfield Train Station and downtown, as well as the site design standards included, promotes walkability and transit use.

As detailed below, this Plan is consistent with and effectuates the Town's Master Plan.

The Town Vision describes Westfield as an inclusive community with a small-town feel that encourages quality and sustainable development, both a diverse housing stock and single-family neighborhoods, alternative forms of transportation, and a walkable, mixed-use downtown that is home to robust commercial and social activities. Specifically, the Vision states, "Westfield will be a model of carefully managed development, providing a range of housing options for all current and prospective residents within walking distance to the downtown, maintain high-quality stable single-family neighborhoods and abundant recreational and cultural opportunities."

Relevant portions of the Guiding Principles include:

- As we grow, we will strive to preserve the attributes of our unique, hometown character and community identity, the beauty of our natural environment, and the strengths of our neighborhoods, while lessening the adverse effects of growth.



- We will retain the best qualities of a small town and respects its heritage, while embracing the opportunities that new technologies, programs, and concepts in urban design provide.
- We will maintain and enhance the historic and human orientation of our Downtown as the center of our community.
- We will continue to support vibrant concentrations of retail, office, service, residential, and recreational activity in Downtown.
- We realize that architectural and land use design is fundamental to our identity. As Westfield progresses into the future, special attention will be given to promoting high quality residential and commercial development that reflects aesthetic excellence.
- We will commit to sustainable practices that promote social equity, environmental health, and economic prosperity.
- We will preserve our single-family neighborhoods while providing housing choices that will allow people to age in place.
- The long-term economic well-being of the Town is fundamental to its future. Therefore, we will encourage a variety of employment opportunities, and promote unique, local businesses.
- We will promote a Multi-Modal Transportation Network (roadways, bikeways, walkways, and public transportation) that are safe, accessible, and which emphasize local and regional connections while considering neighborhood impacts.

Relevant Goals & Objectives include:

- A. To provide adequate light, air, and open space by establishing, administering and enforcing bulk, density, and design standards that are appropriate for the various zones and uses in the community.
- B. To preserve and protect the suburban character of existing residential neighborhoods through:
 1. Bulk, density, and design standards that are appropriate for various dwelling types and not overly intensive in relation to the lot(s) on which a dwelling is situated in their respective zones.
 2. Regulations to preserve and enhance visual appearance of residential neighborhoods.
 3. Discouraging demolition of older housing units that contribute to the Town's community character and rehabilitate such homes, when feasible.

- C. To minimize the environmental impact resulting from development through:
 - 1. Appropriate regulations to encourage green building design in all new construction.
 - 2. Implementation of best practices in stormwater management.
 - 3. Appropriate regulations to ensure implementation of current soil conservation and erosion control measures.
 - 4. Proactive and sustainable measures to mitigate the acceleration and impact of climate change.
- D. To maintain and enhance the viability of the various business districts by:
 - 1. Encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town.
 - 2. Promoting a desirable visual environment and preserving the small-town atmosphere in the business districts.
 - 3. Providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public.
 - 4. Promoting a desirable pedestrian environment in the downtown business district.
 - 5. Discouraging automobile-only oriented development in the central business district, including "strip malls"; and
 - 6. Offering placemaking opportunities, including public art, open space, pedestrian nodes, and community gathering spaces.
- E. To provide a safe and efficient transportation system that also encourages mobility by all modes.
 - 1. Identifying and addressing roadway safety issues; and
 - 2. Minimizing traffic congestion and providing for safe and convenient access to properties; and
 - 3. Developing and maintaining walking and biking routes that enhance connectivity to Town facilities and other key locations in Town; and
 - 4. Improving pedestrian safety at signalized intersections and other areas of safety concern.

- F. To provide a wide range of housing types and densities in a manner that maintains and is compatible with the predominant existing single family detached dwelling development pattern through:
 - 1. Various zone districts that permit single-family detached, two-family single-family attached, and multi-family dwellings, where appropriate.
 - 2. Density standards that reflect existing neighborhood conditions, where appropriate, as well as the needs of various housing types; and
 - 3. Rezoning in appropriate locations for mixed use or residential uses, establishing densities within walking distance of the CBD - Central Business District and NJ Transit railroad stations.
- G. To address the need of affordable housing for the local and regional population of low- and moderate-income persons by establishing various zone districts that encourage the provision of affordable housing, where appropriate.
- H. To promote the conservation of the various historical sites, structures and districts in Westfield by:
 - 1. Establishing appropriate regulations for the preservation of historic sites and structures.
 - 2. Establishing appropriate regulations that encourage development and redevelopment in historic districts to be compatible with existing historic structures and sites in the district.
 - 3. Encourage the adaptive reuse of older historic structures.
- I. To promote the conservation of energy and the recycling of recyclable materials through:
 - 1. Encouraging green infrastructure in site design, energy efficient design, and sustainable building practices; and
 - 2. Encouraging reduced carbon footprints through alternative fuel vehicle infrastructure and promoting alternative modes of transportation to minimize automobile travel.
- J. To address underutilized or vacant sites, encourage redevelopment or rehabilitation where properties meet those standards set forth in the Local Redevelopment and Housing Law.

The Master Plan also includes recommendations related specifically to redevelopment projects. Amongst these recommendations are considering the use of the Local Redevelopment and Housing Law to

encourage redevelopment of the properties at the corner of Ferris Place and Prospect Street, which this Plan effectuates. Other redevelopment related recommendations advanced by this plan include:

- Explore the opportunity to create public spaces for residents and visitors; and
- Strategically deploy ground floor retail uses at appropriate locations
- Take into consideration the recommendations made in THA Consulting's Parking Plan; and
- The embracement of arts and culture as a draw to our community; and
- The creation and implementation of a streetscape improvement plan that aligns with the Roadway, Streetscape and Public Realm Design Guidelines Section; and
- Explore the use of architectural design guidelines and standards that mandate attractive architectural design for future development.

Finally, the Town adopted a **Sustainable Land Use Pledge** on June 9, 2020, which includes seven principles to guide future planning in Westfield. This Plan effectuates this Pledge. The Plan provides green design elements like a green roof and pedestrian improvements. Additionally, as a mixed-use development near the downtown and the Train Station, the site promotes the use of alternative modes of transportation.

9.2. Surrounding Communities' Master Plans

The Site is in the heart of Westfield and one block from its downtown. It is not near any of the Town's neighboring municipalities, and the Town anticipates no significant impacts from this Plan on its neighbors. Nevertheless, the Plan is consistent with the master plans of the surrounding municipalities. Relevant goals from each municipality's Master Plan are listed below.

9.2.1. Township of Clark

Clark updated its Master Plan in 2003 and last reexamined it in 2010. This plan is consistent with the goals and objectives of the Master Plan and Reexamination, including:

- To promote a balance of land uses, including residential, commercial, industrial, public, recreation, and conservation uses.
- To guide the appropriate development of a mix of housing, including senior housing and low- and moderate-income housing consistent with the established style and character of Clark.

- To promote the conservation of ecological systems, environmental resources, and natural amenities which characterize the Township.

9.2.2. Township of Cranford

Cranford's Master Plan was adopted in 2009, followed by its recent 2019 Reexamination Report. The Township lays out a wide range of goals and objectives for various components of its planning efforts. This Plan is consistent with those goals and objectives, including:

- Economic and Non-Residential Goals
 - Recognize the economic value of multi-story buildings within the Downtown. Encourage the fullest use of existing upper floors and the creation of additional upper-story floor space.
 - Promote the Township's accessibility to transportation facilities such as the Garden State Parkway and New Jersey Transit rail and bus lines as attractive to both Township businesses and residents.
 - Continue to evaluate development opportunities that utilize Cranford's rail and bus lines in order to encourage an increase in mass transit usage.
 - Encourage the development of a diversified economic base that generates employment growth, increases property values, and promotes the improvement of underutilized properties.
 - Create attractive gateways at the principal entrances to the Township through upgraded land uses, streetscape improvements, and signage.
 - Incorporate design standards that visually guide development, while remaining responsive to new and emerging demands.
- Residential Goals
 - Provide a wide range of housing to meet the needs of residents in diverse income groups.
 - Concentrate higher density residential uses in the Downtown to take advantage of transportation infrastructure and require adequate parking as a prerequisite to new development.
 - Require all in-fill development to be done in a manner that is consistent and compatible with the surrounding neighborhood and environment.

- Conservation Goals
 - Promote and encourage the use of sustainable building and development practices.
 - Require all development to be subject to rigorous environmental evaluation to minimize any potential adverse environmental impacts.
 - Identify opportunities to preserve open space and other underutilized spaces that can improve stormwater and floodplain management, increase recreational opportunities, and enhances the aesthetic appearance of the community.
 - Maintain and upgrade stormwater and wastewater infrastructure.
 - Incorporate energy-efficient and renewable energy technologies into new development.
 - Continue to implement the shade-tree-planting program by planting additional street trees.
- Circulation Goals
 - Ensure that the Township's circulation system is safe, accessible, and practical to all ages and abilities.
 - Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle, and pedestrian pathways.
- Recreation and Open Space
 - Increase and improve park, open space, recreational and cultural facilities for all Township residents.
 - Ensure that quality open space is provided and maintained as development occurs.
 - Develop an increasingly diversified array of quality recreational and cultural facilities, services and offerings.
- Community Identity
 - Create attractive "gateways" into the Township and improve the appearance of intermediate and major thoroughfares.
 - Develop and implement streetscape projects for major public thoroughfares.
 - Encourage quality architectural and landscape design through the use of design standards that are consistent with the architectural history of the surrounding neighborhood.

9.2.3. Borough of Garwood

Garwood adopted its Master Plan & Re-Examination Report in 2009. Garwood's goals and objectives are consistent with this Plan. In fact, the Borough is also engaging in similar transit-oriented development near its train station. Relevant goals include:

- To encourage municipal action to guide the appropriate use or development of all lands in this Borough, in a manner that will promote the public health, safety, morals, and general welfare.
- To provide adequate light, air, and open space.
- To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the County, and the State as a whole.
- To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Garwood.
 - Preserve and promote a balanced variety of residential, commercial, industrial, public, and recreation land uses.
 - Guide the future development and/or redevelopment of land within the borough so as to incorporate new construction without undue disruption to the established character of the Borough.
- Continue to recognize that North and South Avenues are the primary areas for business serving the community.
 - Encourage the renovation and rehabilitation of existing buildings and storefronts
 - Encourage lot consolidation to enhance opportunities for infill and redevelopment
 - Encourage mixed-use developments
 - Discourage parking areas in the front yards
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
 - Develop a balanced circulation system incorporating the needs of pedestrians, bicyclists, autos, trucks, trains and buses.
 - Promote and increase ridership of public transportation, including train and bus service.

- To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
- To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and recreational development to the particular site.
- To encourage development of affordable housing within the Borough of Garwood.
 - Meet the municipal obligation to provide its fair share of affordable housing meeting the requirements set forth by the New Jersey Council on Affordable Housing.
 - To provide affordable housing opportunities for Garwood residents.

9.2.4. Borough of Mountainside

Mountainside last updated its Master Plan in 2014 when it adopted a new Engineering Master Plan and Housing Element Fair Share Plan. Its last Master Plan Reexamination Report is from 2009, reviewing its 1989 Master Plan. These planning documents demonstrate the Borough's goals to identify potential sites to develop affordable housing to meet its obligations, develop new uses to replace its traditional industrial uses, enhancing its open space opportunities, and ensuring that non-single-family development is sensitive to the predominant single-family character of the Borough. These goals are consistent with this Plan.

9.2.5. Township of Scotch Plains

Scotch Plains adopted its Master Plan in 2001 and last reexamined it in 2016. In its Reexamination Report, the Township restates its commitment to providing expansive and well-maintained open space for its residents, satisfying its affordable housing obligation, promoting "multi-use" neighborhoods and infill development, and ensuring compatibility between neighboring uses. These goals are consistent with this Plan.

9.3. Union County Transportation Master Plan

This Redevelopment Plan is largely consistent with the 2016 Union County Transportation Master Plan, which seeks to integrate transportation planning with land use and economic development. Pursuant to N.J.S.A.

40A: 12A-7(a)(5), this Redevelopment Plan relates directly to the goals and objectives of the Union County Transportation Master Plan, including:

- Goal #2: To ensure that quality public transportation is available in Union County.
- Goal #3: To increase safety and mobility while minimizing congestion on the roadway system.
- Goal #6: To encourage and support programs and policies that create transportation options and enhance quality of life.
 - Ensure safe and convenient bicycle and pedestrian facilities, promote flexible working hours, and other transportation demand management strategies.
 - Promote compact, mixed-use development patterns which promote walkability and support transit.
- Goal #7: To promote a coordinated, comprehensive, and cooperative transportation planning process.

9.4. NJ State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was adopted in 2001 and organized the state into several planning areas. The Redevelopment Plan is located within the Metropolitan Planning Area, (PA-1) of the SDRP. The following intent was documented for PA-1:

- Provide for much of State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

The SDRP also puts forth statewide goals, including:

- Revitalize the state's cities and towns;
- Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Provide adequate housing at a reasonable cost; and
- Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.

This Redevelopment Plan effectuates the above goals and will convert underutilized and vacant auto-oriented uses into a vibrant, compact, mixed-use development that respects Westfield's historic character. The Redevelopment Plan will also provide diverse housing options to match the needs and preferences of residents.



10. APPENDIX C: DEFINITIONS

AMENITY AREA

A space intended for enjoyment by residents and their visitors. Amenity areas may be located indoors or outdoors, and include, but are not limited to: barbecue grill, fire pit, clubhouse, swimming pool, dipping pool, hot tub, restroom, fitness center, and business centers.

CAFÉ

An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

EDUCATIONAL AND CULTURAL AMENITY

A non-profit facility where elements of historic significance are preserved and presented for cultural and/or educational purposes. These facilities shall be accessible to the public at regularly scheduled hours or upon appointment. These facilities shall not be used to host private parties or special events.

GROUND LEVEL

The above grade level of the building nearest to the same grade as the adjacent road.

HEIGHT, FEET

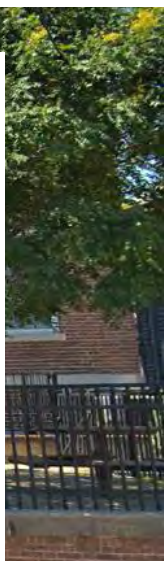
The vertical distance from the deck of a flat roof to the average elevation of normal grade level at the base of the building or structure. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating which deviates from the grade in the general vicinity of the site.

LIVE/WORK

Live/Work shall mean a single, enclosed private space which combines one dwelling unit with one of the following work uses: business or commercial office, business services, professional office,). The work use shall be no less than 20% of the total square feet of the unit and no greater than 50% of the total square feet of the unit.

MIXED-USE

A use that includes multi-family residences and café or retail sales. Café or retail sales uses shall be located on the ground level. Mixed-use structures may include accessory uses.



MULTI-FAMILY RESIDENCE

A use involving three or more separate dwelling units in a building as the primary use on one lot. Up to 10% of units within a multi-family residence may be classified as Live/Work units.

NORMAL GRADE

The newly established grade after construction, exclusive of any filling, berming, mounding, excavating, curbing, retaining wall or other feature that alters the grade at the perimeter of the structure from the grade in the general vicinity of the structure. In the event that construction includes such filling, berming, mounding, excavating, curbing, retaining wall or other feature which so alters the grade, normal grade shall be construed to be the grade that would exist without such features.

PARKING STRUCTURE

A structure or portion thereof composed of one or more levels or floors used primarily for the parking or storage of motor vehicles and bicycles. More than ½ of the floor to ceiling height of any level of a parking structure shall be located below the average grade.

ROOF DECK

A Roof Deck or Roof Terrace shall mean an open common space available to tenants and their visitors. Roof decks shall be located on or above the fourth floor of the building. Roof decks shall not be used for commercial purposes.

SIDEWALK CAFE

A use accessory to a cafe and characterized by the following:

1. The consumption of food by the public at tables located within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street, the principal facade, and the imaginary perpendicular lines running from the outer edge of such principal facade to the public street, and/or located upon private property;
2. Containing readily removable tables, chairs, temporary railings and/or planters; and
3. Unenclosed by fixed walls ceilings, or fences, except for retractable awnings, removable barriers, umbrellas or other nonpermanent enclosures.

11. APPENDIX D: RESOLUTION DESIGNATING THE TOWN OF WESTFIELD AS AN "AREA IN NEED OF REHABILITATION."



TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 225-2020

CODE REVIEW AND TOWN PROPERTY COMMITTEE

OCTOBER 13, 2020

**RESOLUTION OF THE TOWN OF WESTFIELD, COUNTY OF UNION,
STATE OF NEW JERSEY, DELINEATING AN AREA IN NEED OF
REHABILITATION**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”) provides a mechanism to empower and assist local governments to promote the advancement of community interests through programs of redevelopment for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law empowers the Town of Westfield (the “**Town**”), by and through its Mayor and Council (the “**Governing Body**”), to delineate an area within the Town as an area in need of rehabilitation if the area qualifies under one of the criteria enumerated under *N.J.S.A. 40A:12A-14*; and

WHEREAS, *N.J.S.A. 40A:12A-14* provides that “where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality”; and

WHEREAS, Town Planner, Donald B. Sammet, PP/AICP, and Town Engineer, Kris McAloon, PE, had been directed to investigate whether the Town in its entirety (the “**Study Area**”) qualified as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, Mr. Sammet and Mr. McAloon prepared a report entitled “*Town of Westfield Area in Need of Rehabilitation Study*” dated August 26, 2020 which is attached hereto as Exhibit A (the “**Study Report**”); and

WHEREAS, the Study Report concludes that because (a) a majority of water and sewer infrastructure in the Study Area is at least 50 years old and is in need of repair or substantial maintenance and (b) because more than half of the housing stock in the Study Area is at least 50 years old, the Study Area qualifies as an area in need of rehabilitation under the Redevelopment Law; and

WHEREAS, on September 8, 2020, the Governing Body referred the Study Report and this Resolution in draft form to the Planning Board for review and comment; and

WHEREAS, on October 5, 2020, the Planning Board returned this resolution and Study Report with a recommendation that the Study Area be delineated as an area in need of rehabilitation; and

WHEREAS, the Governing Body finds it to be in the best interest of the property owners and business owners within the Study Area to delineate the Study Area as an area in need of rehabilitation, and that based upon the Study Report and the Planning Board's recommendation, finds that the Study Area meets the criteria of *N.J.S.A. 40A:12A-14* of an area in need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield, County of Union, and State of New Jersey, as follows:

1. Based upon the facts reported in the Study Report and the recommendation of the Planning Board, the Mayor and Council find that the Study Area, consisting of the entirety of the Town of Westfield, meets the eligibility criteria of *N.J.S.A. 40A:12A-14* for designation as an area in need of rehabilitation in that (a) a majority of water and sewer infrastructure in the Study Area is at least 50 years old and is in need of repair or substantial maintenance and (b) more than half of the housing stock in the Study Area is at least 50 years old. The Mayor and Council further find

that the designation of the Study Area as an area in need of rehabilitation is expected to prevent further deterioration and promote the overall development of the Town of Westfield in accordance with the requirements of *N.J.S.A. 40A:12A-14*.

2. The Mayor and Council hereby delineates the Study Area and all of the properties therein as an area in need of rehabilitation (hereinafter, the Study Area shall be the “**Rehabilitation Area**”), which delineation allows the Mayor and Council to, among other things, adopt redevelopment plans for all or part of the Rehabilitation Area, enter into redevelopment agreements with redevelopers within the Rehabilitation Area, and adopt an ordinance pursuant to *N.J.S.A. 40A:12A-21, et seq.*, authorizing short-term tax exemptions and/or abatements to properties located within the Rehabilitation Area.

3. The Mayor and Council hereby directs the Town Clerk to transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs in accordance with the Redevelopment Law.

4. All Town officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

5. This Resolution shall take effect immediately.

I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting of October 13, 2020.

Tara Rowley, RMC
Town Clerk